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Rules of Governmental Agencies

TABLE OF CONTENTS

PROPOSED RULES	PAGE
EMPLOYMENT SECURITY, DEPARTMENT OF	
Disqualifying Income & Reduced Benefits; 56 Ill. Adm. Code 2920	13905
Payment of Unemployment Contributions, Interest & Penalties; 56 Ill. Adm. Code 2765	13910
POLLUTION CONTROL BOARD	
Hazardous Waste Management System: General; 35 Ill. Adm. Code 720	13925
Identification & Listing of Hazardous Waste; 35 Ill. Adm. Code 721	13938
PUBLIC AID, DEPARTMENT OF	
Child Support Enforcement; 89 Ill. Adm. Code 160	13946
Medical Payment; 89 Ill. Adm. Code 140	13963
Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147	13967
ADOPTED RULES	
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	
State Administration of the Federal Community Services Block Grant Program; 47 Ill. Adm. Code 120	13970
Uniform Fiscal & Administrative Standards for the Job Training Partnership Act; 56 Ill. Adm. Code 2630	13984
COMMUNITY COLLEGE BOARD, ILLINOIS	
Administration of the Ill. Public Community College Act; 23 Ill. Adm. Code 1501	13997
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS	
Low-Income Housing Tax Credit Allocation; 47 Ill. Adm. Code 350, Repeal of	14019
Low-Income Housing Tax Credit Allocation; 47 Ill. Adm. Code 350	14021
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF	
Freedom of Information; 2 Ill. Adm. Code 1026	14032
POLLUTION CONTROL BOARD	
Special Waste Classifications; 35 Ill. Adm. Code 808	14043
Special Waste Hauling; 35 Ill. Adm. Code 809	14076
PROFESSIONAL REGULATION, DEPARTMENT OF	
Barber, Cosmetology & Esthetics Act of 1985, The; 68 Ill. Adm. Code 1175 ...	14090
Optometric Practice Act of 1987; 68 Ill. Adm. Code 1320	14128

(continued on next page)

PUBLIC AID, DEPARTMENT OF

Aid to Families with Dependent Children; 89 Ill. Adm. Code 112	14140
General Assistance; 89 Ill. Adm. Code 114	14162

SECRETARY OF STATE

Cancellation, Revocation, or Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040	14177
---	-------

EMERGENCY RULES

PUBLIC AID, DEPARTMENT OF

Medical Payment; 89 Ill. Adm. Code 140	14184
Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147	14203

**AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO
PROPOSED RULES**

PUBLIC AID, DEPARTMENT OF

Aid to Families with Dependent Children; 89 Ill. Adm. Code 112, Refusal	14214
General Assistance; 89 Ill. Adm. Code 114, Refusal	14218

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	14222
-------------------------------	-------

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

90-381 Korean Independence Day	14223
90-382 Women's Equality Day	14223
90-383 Yellowstone Concert Day	14224
90-384 American Energy Awareness Month	14224
90-385 American Indian Day	14225
90-386 Chemistry Day	14225
90-387 Minority Enterprise Development Week	14226
90-388 Notice To Palwaukee Municipal Airport Employees/Social Security Referendum	14226
90-389 Operating Room Nurse Day	14227
90-390 M. C. Hammer Day	14228

CUMULATIVE INDEX

1990 Index - Issue #35	CI-1
------------------------------	------

SECTIONS AFFECTED INDEX

1990 Index - Issue #35	SAI-1
------------------------------	-------

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
Mar. 27, 1990	Apr. 3, 1990	15	Apr. 13, 1990	Oct. 2, 1990	Oct. 9, 1990	42	Oct. 19, 1990
Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
Apr. 10, 1990	Apr. 17, 1990	17	Apr. 27, 1990	Oct. 16, 1990	Oct. 23, 1990	44	Nov. 2, 1990
Apr. 17, 1990	Apr. 24, 1990	18	May 4, 1990	Oct. 23, 1990	Oct. 30, 1990	45	Nov. 9, 1990
Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



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DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Disqualifying Income and Reduced Benefits

- 2) Code Citation: 56 Ill. Adm. Code 2920

- 3) Section Numbers: Proposed Action:
2920.40 Amended Section

- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 48, pars. 344, 345, 349, 370, 401, 402, 430, 435, 436, 440, 441, 610 and 611.

- 5) A Complete Description of the Subjects and Issues Involved: While it is the Department's belief that the current language of this rule is broad enough to make clear to the public that payments pursuant to the federal Worker Adjustment and Retraining Notification Act (P.L. 100-379) would constitute payments in lieu of notice, it appears that the addition of an example might make this application clearer to all involved.

- 6) Will the proposed amendment replace an emergency amendment currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference? No.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives? Not Applicable.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- 12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs: August 16, 1990.

Types of small businesses affected: By its terms, the federal Worker Adjustment and Retraining Notification Act does not apply to small employers.

Reporting, bookkeeping or other procedures required for compliance: None.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER 9: INELIGIBILITY FOR BENEFITSPART 2920
DISQUALIFYING INCOME AND REDUCED BENEFITS

SUBPART A: GENERAL PROVISIONS

Section	Definitions
2920.1	Ineligibility To Receive Benefits Due To Performing Full-Time Work Or Due To The Receipt Of Various Income Whose Sum Is Equal To Or Greater Than The Individual's Weekly Benefit Amount
2920.5	Reduction In Benefits Due To Receipt Of Vacation Pay, Holiday Pay, Retirement Pay, And Workers' Compensation Whose Sum Is Less Than The Individual's Weekly Benefit Amount
2920.10	Reduction In Benefits Due To Receipt Of Wages For Less Than Full-Time Work
2920.15	Reduced Benefits: Payment Of Dependents' Allowance Or Spouse's Allowance
2920.20	Payments Made During Shutdown For Inventory Or Vacation Purposes
2920.25	Payments Made In Connection With Separation Or Layoff As, Or In The Nature Of Vacation Pay, Vacation Pay Allowance Or As Pay In Lieu Of Vacation
2920.30	Holiday Pay
2920.35	Payments In Lieu Of Notice Of Separation Or Layoff
2920.40	Severance Pay
2920.45	Back Pay Awards
2920.50	Receipt Of Or Filing For Unemployment Insurance Benefits Under The Laws Of Another State, Canada, Or The United States
2920.55	Supplemental Unemployment Benefits (SUB Pay)
2920.60	Retirement Pay
2920.65	Payments By A Labor Union
2920.68	Retirement Pay Considered Disqualifying Income
2920.70	Allocation Of Retirement Pay
2920.75	Miscellaneous Forms Of Retirement Pay
2920.80	Conformity With Federal Unemployment Tax Act
2920.85	

AUTHORITY: Implementing and authorized by Sections 234, 235, 239, 245, 401, 402, 600, 605, 606, 610, 611, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48, pars. 344, 345, 349, 370, 401, 402, 430, 435, 436, 440, 441, 610 and 611.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

SOURCE: Adopted at 11 Ill. Reg. 1853, effective January 7, 1987; amended at 12 Ill. Reg. 16066, effective September 23, 1988; amended at 13 Ill. Reg. 1773, effective January 27, 1989; amended at 13 Ill. Reg. 5936, effective April 18, 1989; emergency amendments at 13 Ill. Reg. 11899, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Adm. Code 17402, effective October 30, 1989; amended at 14 Ill. Adm. Code _____, effective _____, 1990.

SUBPART A: GENERAL PROVISIONS

Section 2920.40 Payments In Lieu Of Notice Of Separation Or Layoff

a) Amounts paid or payable by an employer employing unit to an individual in lieu of notice of separation or layoff shall be treated as wages with respect to the period of notice. If the amounts exceed the individual's weekly benefit amount, such individual shall be ineligible to receive benefits with respect to such period provided that the following conditions are fulfilled:

- 1) There must be an employment agreement, a statutory requirement or an uniformly applied company policy which requires that the employer employing unit give the employee a definite period of notice before a layoff or separation;

Example: Pursuant to the federal Worker Adjustment and Retraining Notification Act (P.L. 100-379), certain employers are required, under specified conditions, to provide at least 60 days notice of a mass layoff or plant closing. If an employer fails to provide the required notice, it may be required to compensate its employees for the number of days for which such notice was not given. Such compensation constitutes payments in lieu of notice of separation or layoff, thus rendering the workers ineligible during the period with respect to which the required notice was not given.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- 2) the employee must be laid off or separated without the required notice; and,
- 3) The employer employing unit must pay the employee a sum equal to his regular wages, or an amount computed in accordance with a formula which is based on the employee's past earnings, for the required period of the notice.
- b) Amounts paid or payable by an employer employing unit to an individual in lieu of notice of separation or layoff which do not satisfy the conditions set forth in subsection (a) shall be treated as severance pay described in Section 2920.45 unless these payments qualify as vacation pay in connection with a layoff or separation, as provided in Section 2920.30.

(Source: Amended at 14 Ill. Reg. _____, effective _____, 1990)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties
- 2) Code Citation: 56 Ill. Adm. Code 2765
- 3) Section Number: 2765.325
Proposed Action: Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 578, 579, 610, 611 and 750.
- 5) A Complete Description of the Subjects and Issues Involved: This proposed amendment makes clear that whether the last employing unit for whom a claimant provides service is an employer under the Act is determined as of the effective date of the claim.
- 6) Will the proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.
- 9) Are there any other proposed amendments pending on this Part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
2765.18	New Section	14 Ill. Reg. 13118 August 17, 1990
2765.210	New Section	14 Ill. Reg. 13118 August 17, 1990
- 10) Statement of Statewide Policy Objective? Not Applicable.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Business Assistance Office
of the Department of Commerce and Community Affairs:
August 16, 1990.

Types of small businesses affected: All businesses subject
to the Unemployment Insurance Act.

Reporting, bookkeeping or other procedures required for
compliance: None.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2765

PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

SUBPART A: GENERAL PROVISIONS

Section	
2765.1	Unemployment Contributions Not Deductible From Wages
2765.5	Definitions
2765.10	Payment Of Contributions
2765.15	Liability For The Entire Year
2765.20	Contributions Of Employers By Election
2765.25	Payments In Lieu Of Contributions
2765.30	When Payments In Lieu Of Contributions Payable
2765.35	Payments When Reimbursable Employer Becomes Contributory
2765.40	Payments When Contributory Employer Becomes Reimbursable
2765.45	Application Of Payment
2765.50	Accrual Of Interest
2765.55	Imposition Of Penalty
2765.60	Payment Or Filing By Mail
2765.63	When Payment Due And Consequences Of Upward Revision In Employer's Contribution Rate
2765.65	Waiver Of Interest Or Penalty
2765.66	Waiver Of Interest Accruing Because Of Certain Types Of Employees For Periods Prior To January 1, 1988
2765.68	Waiver Of Penalty For Certain Employers For 1987 And Thereafter Wage Reports (UC-3/40)
2765.70	Time For Paying Or Filing Delayed Payment Or Report
2765.75	Application For Waiver
2765.80	Approval Of Application For Waiver
2765.85	Insufficient Or Incomplete Application
2765.90	Disapproval Of Application Conclusive
2765.95	Appeal And Hearing

SUBPART B: EXPERIENCE RATING

2765.200	Effect Of A Successor Employing Unit's Failure To Notify The Director Of Its Succession
----------	--

SUBPART C: BENEFIT CHARGES

2765.325	Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
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DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- 2765.326 Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
- 2765.332 Effect Of Ineligibility Under Section 602(B) On Chargeability Under Section 1502.1 Of The Act
- 2765.333 Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act
- 2765.334 Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act
- 2765.335 Procedural Requirements And Right Of Appeal

AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1508, 1509, 1700, 1701 and 2600 of the Unemployment Insurance Act (Ill. Rev. Stat. 1989, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 578, 579, 610, 611 and 750).

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendments at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendments at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. _____, effective _____;

SUBPART C: BENEFIT CHARGES

Section 2765.325 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act

- a) Except as provided in the other subsections of this Section and in Sections 2765.326, 2765.332, 2765.333 and 2765.334, the last employer prior to the beginning of

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

the individual's benefit year (which is defined at Section 242 of the Act) for whom the individual provided services during at least 30 days beginning with the first day of the individual's base period (which is defined at Section 237 of the Act) but prior to the beginning of his benefit year shall be liable for the benefit charges or payments in lieu of contributions, as the case may be, which result from any benefits paid to that individual.

- 1) Example: Immediately prior to filing his claim for unemployment benefits, the individual provides services to Company A, a liable, contributing employer, for 20 days. Prior to this period, he provides services to Company B, a liable, contributing employer, for 30 days. Prior to working for Company B and throughout his base period, the individual has provided at least 10 days of service to Company A. In this example, Company A will be the chargeable employer and will be liable for any benefit charges which might accrue as a result of any benefits paid to this individual. This is because the individual's last employer prior to the beginning of his benefit year is Company A and he provided services to Company A during at least 30 days during the period from the beginning of the individual's base period to the beginning of his benefit year. Pursuant to Section 1502.1 of the Act, it is not necessary for the 30 days of services by the individual to be consecutive.

- 2) Example: Prior to the beginning of his benefit year, the individual provides services only to Company A, a liable, contributing employer, for over ten years. Company A will be this individual's chargeable employer with respect to this individual's entire benefit year because Company A is the individual's last employer of at least 30 days prior to the beginning of his benefit year. If, after claiming benefits for a few weeks, this individual is employed by Company B, a liable, contributing employer, for six months, is laid off by Company A and files an additional claim, Company A will still be the chargeable employer of this individual with respect to any benefit charges which might accrue with respect to the

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

additional claim. Company A remains liable for the benefit charges which accrue during the entire benefit year regardless of the number of times that the individual is laid off and becomes reemployed.

- 3) Example: Prior to the beginning of his benefit year, the individual is employed on an as-needed basis (some weeks the individual might work four days, other weeks he might not work at all) for Company A, a liable, contributing employer. While so employed by Company A, the individual is also employed on a full time basis for Company B, a liable, contributing employer. The individual is laid off by Company B and is offered two days of work by Company A. After working for these two days, no other work is currently available with Company A, and the individual files a claim for benefits. If the individual had been employed by Company A for at least 30 days from the beginning of his base period to the beginning of his benefit year, Company A will be liable for any benefit charges which might accrue as a result of any benefits which might be paid to this individual. This is because, despite the individual's full time employment with Company B, the individual's last employer for whom he provided services of at least 30 days during the applicable period was Company A, and it was his separation from Company A that caused the individual to become "unemployed."

- 4) Example: Assume the same facts as in subsection (a)(3), except that, instead of being an as-needed employee, the individual continues to provide less than full time services to Company A and earns less than his weekly benefit amount. In that case, Section 2765.326 shall apply, and Company B will be the chargeable employer because it caused this individual to become unemployed as defined in Section 239 of the Act.

- 5) Example: The individual is a substitute teacher. Whenever she is available to teach, she calls in for assignments with her school district, a local governmental entity which has elected to make payments in lieu of

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

contributions. During the first semester of the school year, she teaches only 32 days. She, however, did not work for the school district during her base period. If she now files a claim for benefits, her school district will be liable for 50% of any payments in lieu of contributions which would result if she would be paid benefits. This is because, despite her services being performed over a five month period, the school district is the last employer prior to the beginning of her benefit year and she has provided the required 30 days of services during the applicable period. The employer is only liable for 50% of the amount of the benefits paid because the individual performed no services for this employer during her base period (see Section 1405(B) of the Act.

6)

Example: The individual is employed for 25 days during his base period for City A, a local governmental entity which has elected to make payments in lieu of contributions. He then works for Company B, a liable, contributing employer for approximately ten months. After being laid off by Company B, he is again employed by City A which then lays him off after five days. City A will be liable for payments in lieu of contributions equal to 100% of the benefits paid to this individual. This is because City A is the individual's last employer prior to the beginning of his benefit year, and this individual was employed for at least 30 days beginning with the start of his base period and prior to the beginning of his benefit year. City A is liable for 100% of the benefits paid because, in addition to being the chargeable employer as provided in this subsection, the individual also provided services for this employer during his base period. If this employer had met the requirements to be the chargeable employer but this individual had not provided services to this employer during his base period, then this employer would have been liable for only 50% of the payments in lieu of contributions made to this individual as in subsection (a)(5).

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

7) Example: The individual is employed by several different employers from the beginning of his base period until he first files a claim for benefits. However, he does not provide services for at least 30 days to any single employer during this period. Therefore, there is no chargeable employer, and no employer will be liable for either the benefit charges or payments in lieu of contributions as a result of payments made to this individual during this claim for benefits.

8) Example: An individual is employed during his entire base period for Company A, a liable, contributing employer. After being laid off by Company A, he works for at least 30 days for the State of Illinois, which makes payments in lieu of contributions pursuant to Section 1403 of the Act. If this individual files a claim for benefits, the State of Illinois will be liable for an amount equal to 50% of the benefits paid to this individual since the State of Illinois is the chargeable employer but not a base period employer.

b) The 30 day requirement, set forth in subsection (a), shall include any day on which any services are actually performed for the employer by the individual prior to the date of separation. For the purposes of this Section, even if a shift covers two calendar days, only one day shall be included in determining whether the 30 day requirement has been met. Paid sick days, vacation days, holidays or other similar paid, non-working days shall not be counted toward meeting the 30 day requirement. Payments for wages in lieu of notice, pension or other retirement type payments or for severance pay also do not meet the requirements of this Section.

1) Example: The individual works a shift which begins at 10 pm and ends at 7 am the next day. While this individual performs services for this employer on two calendar days, for the purpose of determining whether the 30 day requirement set forth in subsection (a) has been met, the individual's shift counts as only one day of service.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

2) Example: The individual begins his shift at noon but becomes ill fifteen minutes later. Since the individual performed services for the employer for fifteen minutes, one day is counted toward meeting the 30 day requirement set forth in subsection (a).

3) Example: The individual is scheduled to work on a certain day but fails to report for work because he is ill. Even if the employer provides paid sick leave to the individual for that day, it will not be counted toward the 30 day requirement set forth in subsection (a).

4) Example: The individual receives paid sick leave from Company A, a nonprofit corporation which elects to make payments in lieu of contributions, for 35 days during his base period. He has no other employment with Company A during his base period. He also performs services during his base period for Company B, a liable, contributing employer. After being laid off by Company B, he returns to Company A for 30 days before being again laid off. Company A will be liable for an amount equal to 100% of the benefits paid to this individual as payments in lieu of contributions. This is because Company A is the last employer of this individual; the 30 day requirement is met by the individual's employment; and the paid sick leave constitutes wages for insured work paid during the individual's base period.

5) Example: Upon the permanent layoff of an individual, the employer pays that individual for any unused, accrued vacation time that the individual is due and grants him severance pay in the amount of one day's pay for each year of continuous service. These payments are not included for the purpose of determining whether this employer has met the 30 day requirement.

c) If the last organization or person for whom the individual provided at least 30 days of service is not an employer, as defined by Section 205 of the Act, then no employer shall be the chargeable employer, and any benefit charges or payments in lieu of contributions

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

which accrue as a result of benefits paid to the individual shall not become the benefit charges or the amounts due of any employer. Whether the last organization or person for whom the individual provided at least 30 days of service is an employer, as defined by Section 205 of the Act, is determined as of the effective date of the claim and is unaffected by a later determination of liability based on events which occur after the effective date of the claim.

1) Example: An individual is employed during his entire base period for Company A, a liable, contributing employer. He then leaves Illinois and obtains work in California for at least 30 days for an organization which is not liable under the Act. If this individual is laid off from his California job and files a claim against Illinois based on his Illinois base period wages, no employer shall be liable for any benefit charges for any benefit payments made to this individual. This is because the California organization is not an employer under the Act and, therefore, cannot be the chargeable employer under this Section.

2) Example: An individual is employed during his entire base period for Company A, a liable, contributing employer. After being laid off by Company A, he works for at least 30 days for the U. S. Postal Service, which is not an employer under the Act and for which reimbursement for any benefits paid is determined pursuant to Federal Regulations. He is then laid off by the Postal Service. If this individual files a claim for benefits, no employer shall be liable for any benefit charges for any benefit payments made to this individual. This is because the U. S. Postal Service is not an employer under the Act and, therefore, cannot be the chargeable employer under this Section.

3) Example: An individual files a claim for benefits, effective March 11, 1990, after having last been employed by Company A which began business as of January 1, 1990. As of March 11, 1990, Company A is not an employer under the Act because it has not yet had one or more employees

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

in each of twenty or more weeks nor has it paid at least \$1,500 in wages in a calendar quarter. However, as of September 10, 1990, it has one or more employees in each of twenty or more weeks, and, therefore, its liability is made retroactive to January 1, 1990. In this case, Company A will not be the chargeable employer because its liability is a result of a retroactive determination based on events subsequent to the effective date of the individual's claim.

d) Example: An individual files a claim for benefits, effective March 11, 1990, after having last been employed by Company A which claims that it is not liable under the Act because it has no employees. On September 10, 1990, there is a determination and assessment, which becomes final, which holds that Company A is liable for unpaid contributions on the wages of workers whom Company A had not considered employees. This is not a retroactive determination, and Company A can be held to the chargeable employer of this individual.

d) Notwithstanding any other provision of this Subpart, no employer shall be the chargeable employer of an individual who was either discharged for misconduct connected with the work or voluntarily left such employer without good cause or refused to accept an offer of or to apply for suitable work from that employer without good cause. Unless the next subsequent employing unit, if it is an employer under the Act and paid the individual an amount equal to his weekly benefit amount in each of four weeks after the beginning of the individual's benefit year, any payments which might result in benefit charges will be pooled and not charged to any employer. However, if the circumstances of the voluntary quit are those described in Section 601(B)(1) or Section 601(B)(2) of the Act, then, any payments which might result in benefit charges will become pooled costs and not be charged to any employer.

1) Example: The individual quits Company A where he was employed for at least 30 days. He then accepts employment with Company B where he works for two weeks and earns in excess of his weekly

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

benefit amount. He is then laid off and files a claim for benefits. Pursuant to Section 601(B)(2) of the Act, this individual is not ineligible for benefits. However, if it is decided that the individual quit this job without good cause, no employer will be charged for the benefits paid to the individual. This is because the individual quit his job with Company A without good cause but under the circumstances described in Section 601(B)(2) of the Act.

2) Example: The individual is held to be ineligible for benefits by the claims adjudicator, Referee, Board of Review or court as a result of his discharge for misconduct by Company A, a liable, contributing employer. Thereafter, he returns to work and performs services for Company B, a liable, contributing employer, for three days per week for three weeks and is then laid off. However, he does earn an amount in excess of his weekly benefit amount in each of these weeks. He then performs services for Company C for one week and earns in excess of his weekly benefit amount before being laid off for lack of work. The individual is eligible for benefits because he met the qualification requirements of Section 602 of the Act. No employer will be the chargeable employer of this individual because he was discharged for misconduct connected with his work and because the next subsequent employing unit after his discharge did not pay him an amount equal to or in excess of his weekly benefit amount in each of four weeks.

3) Example: The individual is discharged from Company A, files a claim for benefits and is determined to be ineligible under Section 602 of the Act. He then returns to work for Company B, a liable, contributing employer, and earns in excess of his weekly benefit amount in each of four weeks. He is then laid off by Company B. Thereafter he is employed by Company C before being laid off. Company B will be this individual's chargeable employer because it was the individual's single employer following his discharge for misconduct from Company A, is an employer under the Act, paid the individual an amount necessary

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

to qualify for benefits and the requalification occurred after the beginning of the individual's benefit year.

4) Example: Assume the same facts as in subsection (d)(3) except that Company B discharged the individual for misconduct connected with his work. In this case, no employer will be the chargeable employer because Company B cannot be the chargeable employer of an individual if it discharged him for misconduct connected with his work and, though Company C was the individual's next subsequent employer following his discharge for misconduct from Company B and paid the individual the amount necessary to requalify for benefits and the requalification occurred after the beginning of the individual's benefit year, the disqualifying event occurred after the beginning of the individual's benefit year.

5) Example: Assume the same facts as in subsection (d)(3) except that Company B is not an employer under the Act. In this case, no employer will be charged as a result of any benefits paid to this individual. This is because the individual was discharged for misconduct connected with his work by Company A and earned an amount equal to or in excess of his weekly benefit amount in each of four weeks after the beginning of his benefit year from Company B, an organization which is not subject to the Act. However, because it is not an employer under the Act, it cannot be charged and, therefore, the charges will be pooled.

6) Example: An individual is employed by Company A for several months before being laid off for lack of work. The individual does not file a claim for benefits immediately but goes on vacation. When he returns from vacation, Company A offers the individual a suitable job, which he refuses without good cause. However, during that same week, he is hired by Company B where he then works and earns in excess of his weekly benefit amount in each of four weeks. When he is laid off by Company B, the individual files a claim for benefits and is not subject to disqualification for his refusal of work from Company A be-

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

cause he has had sufficient earning from Company B to purge any possible disqualification. Company A will not be charged for benefit charges which result from payments to this individual because the individual refused the Company's offer of suitable work without good cause. Company B will not be charged either because it paid this individual the amounts necessary to purge the possible disqualification before the beginning of the individual's benefit year. Therefore, in this case, no employer will be the chargeable employer, and the benefit charges will be pooled.

- e) If no employer meets the requirements of this Subpart to be the chargeable employer for the second of two consecutive benefit years but there was a chargeable employer for the first benefit year, that employer will be the chargeable employer for that second benefit year.

Example: The individual is discharged for misconduct connected with his work by Company A, files a claim for benefits and is held ineligible pursuant to Section 602 of the Act. He then returns to work for Company B, a liable and contributing employer, and earns an amount equal to or in excess of his current weekly benefit amount in each of four calendar weeks, which is sufficient to qualify for benefits. He is then laid off by Company B and is now eligible for benefits. Under these circumstances, Company B will be charged for any benefit charges which accrue because it was the single employer which paid the individual the amount necessary to requalify for benefits and the requalification occurred after the beginning of the individual's benefit year. If this individual later files a second benefit year claim, Company B did not employ the individual for at least 30 days and paid the amount necessary for the individual to requalify prior to the beginning of the second benefit year. However, Company B will be the chargeable employer because there is no other employer that meets the requirements for chargeability and because it was the chargeable employer for the individual's first benefit year.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- f) Notice that a claim for benefits has been filed will be sent by the Agency to every employing unit for whom the individual provided services, subsequent to the services provided to the chargeable employer, prior to the beginning of the individual's benefit year.

(Source: Amended at 14 Ill. Reg. _____, effective _____,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

2) Code Citation: 35 Ill. Adm. Code 720

3) Section Numbers:

720.111

Amendment

720.120

Amendment

720.122

Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of July 19, 1990, in R90-17, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

On March 1, 1990, USEPA delegated authority to Illinois to administer several additional components of the RCRA program. (55 Fed. Reg. 7320) This included Board authority to delist hazardous waste, in lieu of USEPA, pursuant to 35 Ill. Adm. Code 720.122.

The USEPA rules define hazardous waste in two basic ways. A waste is hazardous either: because it exhibits a hazardous characteristic; or, because it is listed by name or by the name of the process which produces the waste. In the latter case the listings may be overinclusive. For example, USEPA might determine that Process A produces Waste M which generally has hazardous constituents X, Y and Z. USEPA would then "list" "wastes from Process A" or "Waste M". Wastes which met this description would be hazardous, regardless of whether constituents X, Y or Z were actually present. Delisting would be appropriate if the generator demonstrated that X, Y and Z were not actually present in its waste, and that there were no other hazardous constituents.

There are two basic problems with the Board's delisting Section, 35 Ill. Adm. Code 720.122.

First, Section 720.122 was premised on the assumption that USEPA would initially delist wastes, followed by essentially ministerial Board action in an "identical in substance" rulemaking. For this reason, the Board relied on incorporation by reference of USEPA rules, rather than following its usual practice of adopting the verbatim text. Worse, the USEPA Section (40 CFR 260.22) in turn references the USEPA standards for defining hazardous waste characteristics and listing hazardous wastes,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

which standards were also incorporated by reference in 35 Ill. Adm. Code 721.110 and 721.111. In the context of a system in which the Board is the direct recipient of delisting procedures, these provisions may be confusing to the public, contrary to the directive of Section 7.2(a)(4) of the Act.

Second, 35 Ill. Adm. Code 720.122 requires the Board to use rulemaking to delist hazardous waste. In Illinois, site-specific rulemaking can be a slow, resource-consuming process. The Board now has authority under Section 28.1 of the Act to handle this type of "exception" decision more efficiently by way of adjusted standards.

The Board has addressed these problems in two ways. First, the Board has replaced the incorporations by reference with the verbatim text, tailored to fit Illinois procedures. Second, the Board has proposed adjusted standards as an alternative procedure to be followed, a procedure we believe is compatible with USEPA's requirements.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date?: No.
- 8) Does this proposed amendment contain incorporations by reference? Yes. Section 720.111 incorporates by reference: rules and regulations of federal agencies; rules, regulations, standards and guidelines of a nationally recognized organization or association; and guidelines and standards of federal agencies. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act does not apply.

- 9) Are there any other amendments pending on this Part? Yes, in R89-11 and R90-10:

Section Numbers	Proposed Action	Illinois Register Citation
720.110	Amendment	June 22, 1990; 14 Ill. Reg. 9706
720.111	Amendment	March 2, 1990; 14 Ill. Reg. 3006
720.111	Amendment	June 22, 1990; 14 Ill. Reg. 9706

- 10) Statement of Statewide Policy Objectives: This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking affects local government only to the extent it may be involved in the

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

generation, transportation, treatment, storage or disposal of hazardous waste. This rulemaking replaces incorporations by reference with verbatim text, and replaces site-specific rulemaking with the simpler adjusted standards procedure.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-17, and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: July 24, 1990
- B) Types of small businesses affected:
- The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. This rulemaking replaces incorporations by reference with verbatim text, and replaces site-specific rulemaking with the simpler adjusted standards procedure.
- C) Reporting, bookkeeping or other procedures required for compliance:
- The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. This rulemaking involves simplified waste delisting procedures.
- D) Types of professional skills necessary for compliance:
- Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section
720.101 Purpose, Scope and Applicability
720.102 Availability of Information; Confidentiality of Information
720.103 Use of Number and Gender

SUBPART B: DEFINITIONS

Section
720.110 Definitions
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section
720.120 Rulemaking
720.121 Alternative Equivalent Testing Methods
720.122 Waste Delisting
720.130 Procedures for Solid Waste Determinations
720.131 Solid Waste Determinations
720.132 Boiler Determinations
720.133 Procedures for Determinations
720.140 Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-2 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. , effective

SUBPART B: DEFINITIONS

Section 720.111 References

a) The following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December, 1987.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3 - 1987, as supplemented by B31.3a - 1988 and B31.3b - 1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4 - 1986, as supplemented by B31.4a - 1987. Also available from ANSI.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

"ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D-3828-87.

"ASTM Standard Test Methods for Flash Point Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677)

"Petitions to Delist Hazardous Wastes -- A Guidance Manual", EPA/530-SW-85-003, April, 1985. (Document Number PB 85-194488)

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977.
(Document number PB 84-174820)

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)) (Document number PB 87-120291)

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

- b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

10 CFR 20, Appendix B (1989)

40 CFR 136 (1989)

40 CFR 142 (1989)

40 CFR 220 (1989)

40 CFR 260.20 (1989)

40 CFR 264 (1989)

40 CFR 302.4, 302.5 and 302.6 (1989)

40 CFR 761 (1989)

- c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

- d) This Section incorporates no later editions or amendments.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.120 Rulemaking

- a) Any person may petition the Board to adopt as State regulations rules which are identical in substance with newly-adopted federal amendments or regulations. The petition shall take the form of a proposal for rulemaking pursuant to 35 Ill. Adm. Code 102. The proposal shall include a listing of all amendments to 40 CFR 260 through 265-266 and 268 which have been made since the last preceding amendment or proposal to amend 35 Ill. Adm. Code 720 through 725-726 and 728, pursuant to Section 22.4(a) of the Environmental Protection Act.

- b) Any person may petition the Board to adopt amendments or additional regulations not identical in substance with federal regulations. Such proposal shall conform to 35 Ill. Adm. Code 102 and Title VII and Section 22.4(b) or 22.4(c) of the Environmental Protection Act.

(Source: Amended at 14 Ill. Reg. , effective)

Section 720.122 Waste Delisting

- a) Any person seeking to exclude a waste from a particular generating facility from the lists in 35 Ill. Adm. Code 721.Subpart D may file a petition, as specified in subsection (n). The Board will grant the petition if:

1) The petitioner demonstrates that the waste produced by a particular generating facility does not meet any of the criteria under which the waste was listed as a hazardous or acute hazardous waste; and

2) If the Board determines that there is a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A waste which is so excluded, however, still may be a hazardous waste by operation of 35 Ill. Adm. Code 721.Subpart C.

- b) Listed wastes and mixtures. A person may also petition the Board to exclude from 35 Ill. Adm. Code 721.103(a)(2)(B) or (C), a waste which is described in these Sections and is either a waste listed in 35

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

111. Adm. Code 721.Subpart D, or is derived from a waste listed in that Subpart. This exclusion may only be granted for a particular generating, storage, treatment or disposal facility. The petitioner shall make the same demonstration as required by subsection (a). Where the waste is a mixture of a solid waste and one or more listed hazardous wastes or is derived from one or more listed hazardous wastes, the demonstration must be made with respect to the waste mixture as a whole: analyses must be conducted for not only those constituents for which the listed waste contained in the mixture was listed as hazardous, but also for factors (including additional constituents) that could cause the waste mixture to be a hazardous waste. A waste which is so excluded may still be a hazardous waste by operation of 35 Ill. Adm. Code 721.Subpart C.

c) Ignitable, corrosive, reactive and toxicity characteristic wastes. If the waste is listed in codes "I", "C", "R" or "E" in 35 Ill. Adm. Code 721.Subpart D:

1) The petitioner shall demonstrate that the waste does not exhibit the relevant characteristic for which the waste was listed, as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123 or 721.124, using any applicable methods prescribed in those Sections. The petitioner shall also show that the waste does not exhibit any of the other characteristics, defined in those Sections, using any applicable methods prescribed in those Sections;

2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A waste which is so excluded, however, may still be a hazardous waste by operation of 35 Ill. Adm. Code 721.Subpart C.

d) Toxic waste. If the waste is listed in code "T" in 35 Ill. Adm. Code 721.Subpart D:

1) The petitioner shall demonstrate that the waste:

- A) Does not contain the constituent or constituents (as defined in 35 Ill. Adm. Code 721.Appendix G) that caused USEPA to list the waste, using the appropriate test methods prescribed in 35 Ill. Adm. Code 721.Appendix C; or
- B) Although containing one or more of the hazardous constituents (as defined in 35 Ill. Adm. Code 721.Appendix

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

G) that caused USEPA to list the waste, does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(3) when considering the factors used in 35 Ill. Adm. Code 721.111(a)(3)(A) through (K) under which the waste was listed as hazardous; and

2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste.

3) The petitioner shall demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123 or 721.124, using any applicable methods prescribed in those Sections.

4) A waste which is so excluded, however, may still be a hazardous waste by operation of 35 Ill. Adm. Code 721.Subpart C.

e) Acute hazardous waste. If the waste is listed with the code "H" in 35 Ill. Adm. Code 721.Subpart D:

1) The petitioner shall demonstrate that the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(2); and

2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste.

3) The petitioner shall demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123 or 721.124, using any applicable methods prescribed in those Sections.

4) A waste which is so excluded, however, may still be a hazardous waste by operation of 35 Ill. Adm. Code 721.Subpart C.

h) Demonstration samples must consist of enough representative samples, but in no case less than four samples, taken over a period of time sufficient to represent the variability or the uniformity of the waste.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- i) Each petition must include, in addition to the information required by subsection (n):
- 1) The name and address of the laboratory facility performing the sampling or tests of the waste;
 - 2) The names and qualifications of the persons sampling and testing the waste;
 - 3) The dates of sampling and testing;
 - 4) The location of the generating facility;
 - 5) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations or feed materials can or might produce a waste which is not covered by the demonstration;
 - 6) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;
 - 7) Pertinent data on and discussion of the factors delineated in the respective criterion for listing a hazardous waste, where the demonstration is based on the factors in 35 Ill. Adm. Code 721.111(a)(3);
 - 8) A description of the methodologies and equipment used to obtain the representative samples;
 - 9) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization and preservation of the samples;
 - 10) A description of the tests performed (including results);
 - 11) The names and model numbers of the instruments used in performing the tests; and
 - 12) The following statement signed by the generator or the generator's authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.
- j) After receiving a petition, the Board may request any additional information which the Board needs to evaluate the petition.
 - k) An exclusion will only apply to the waste generated at the individual facility covered by the demonstration and will not apply to waste from any other facility.
 - l) The Board will exclude only part of the waste for which the demonstration is submitted if the Board determines that variability of the waste justifies a partial exclusion.

BOARD NOTE: See "Petitions to Delist Hazardous Wastes -- A Guidance Manual", incorporated by reference in Section 720.111.

General delistings or delisting of specific wastes from specific sources which have been adopted by USEPA may be proposed as --State regulations which are identical in substance pursuant to Section 720.120(a).

Delistings which have not been adopted by USEPA may be proposed to the Board pursuant to Section 720.120(b); however, this does not infer that the Board has authority to adopt such delistings. The Board will determine whether it has authority to delist such wastes on a case-by-case basis--;

- 1) Proposed to the Board pursuant to the rulemaking procedures of Section 720.120(b); or,
- 2) Pursuant to a petition for adjusted standard pursuant to 35 Ill. Adm. Code 106.Subpart 6. The justification for the adjusted standard is as specified in subsections (a) et seq., as applicable to the waste in question.
- e) The Agency may determine in a permit or a letter directed to a generator that, based on 35 Ill. Adm. Code 721, a waste from a particular source is not subject to these regulations. Such a finding is evidence against the Agency in any subsequent proceedings but shall not be conclusive with reference to other persons or the Board.

The Board incorporates by reference 40 CFR 260.22 (1988), as amended at 54 Fed. Reg. 27115, June 27, 1989. This Section incorporates no future amendments or editions. --Any petition to delist directed to

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the Board or request for determination directed to the Agency shall include ~~the information required by 40 CFR 260.22 and~~ a showing that the delisting needs to be adopted as a part of the Illinois RCRA program.

- e d) Waste delistings will not be approved if the result would make the Illinois program less than substantially equivalent to the federal.
- f c) Delistings will apply only within Illinois. Generators shall comply with 35 Ill. Adm. Code 722 for waste which is hazardous in any state to which it is to be transported.

(Source: Amended at 14 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: IDENTIFICATION AND LISTING OF HAZARDOUS WASTE
- 2) Code Citation: 35 Ill. Adm. Code 721
- 3) Section Numbers: Proposed Action:
721.110 Amendment
721.111 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4 and 1027.
- 5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of July 19, 1990, in R90-17, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

On March 1, 1990, USEPA delegated authority to Illinois to administer several additional components of the RCRA program. (55 Fed. Reg. 7320) This included Board authority to delist hazardous waste, in lieu of USEPA, pursuant to 35 Ill. Adm. Code 720.122.

The USEPA rules define hazardous waste in two basic ways. A waste is hazardous either: because it exhibits a hazardous characteristic; or, because it is listed by name or by the name of the process which produces the waste. In the latter case the listings may be overinclusive. For example, USEPA might determine that Process A produces Waste M which generally has hazardous constituents X, Y and Z. USEPA would then "list" "wastes from Process A" or "Waste M". Wastes which met this description would be hazardous, regardless of whether constituents X, Y or Z were actually present. Delisting would be appropriate if the generator demonstrated that X, Y and Z were not actually present in its waste, and that there were no other hazardous constituents.

There are two basic problems with the Board's delisting Section, 35 Ill. Adm. Code 720.122.

First, Section 720.122 was premised on the assumption that USEPA would initially delist wastes, followed by essentially ministerial Board action in an "identical in substance" rulemaking. For this reason, the Board relied on incorporation by reference of USEPA rules, rather than following its usual practice of adopting the verbatim text. Worse, the USEPA Section (40 CFR 260.22) in turn references the USEPA standards for defining hazardous waste characteristics and listing hazardous wastes,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

which standards were also incorporated by reference in 35 Ill. Adm. Code 721.110 and 721.111. In the context of a system in which the Board is the direct recipient of delisting procedures, these provisions may be confusing to the public, contrary to the directive of Section 7.2(a)(4) of the Act.

Second, 35 Ill. Adm. Code 720.122 requires the Board to use rulemaking to delist hazardous waste. In Illinois, site-specific rulemaking can be a slow, resource-consuming process. The Board now has authority under Section 28.1 of the Act to handle this type of "exception" decision more efficiently by way of adjusted standards.

The Board has addressed these problems in two ways. First, the Board has replaced the incorporations by reference with the verbatim text, tailored to fit Illinois procedures. Second, the Board has proposed adjusted standards as an alternative procedure to be followed, a procedure we believe is compatible with USEPA's requirements.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? Yes, in R90-10.

Section Numbers	Proposed Action	Illinois Register Citation
721.104	Amendment	June 22, 1990; 14 Ill. Reg. 9729
721.108	Amendment	June 22, 1990; 14 Ill. Reg. 9729
721.124	Amendment	June 22, 1990; 14 Ill. Reg. 9729
721.130	Amendment	June 22, 1990; 14 Ill. Reg. 9729
721.131	Amendment	June 22, 1990; 14 Ill. Reg. 9729
721.App. B	Amendment	June 22, 1990; 14 Ill. Reg. 9729
721.App. C	Amendment	June 22, 1990; 14 Ill. Reg. 9729

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the Federal Resource Conservation and Recovery Act. (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking affects local government only to the extent it may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste. This rulemaking replaces incorporations by reference with verbatim text, and replaces site-specific rulemaking with the simpler adjusted standards procedure.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-17, and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: July 24, 1990

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, treat, store or dispose of hazardous waste. This rulemaking replaces incorporations by reference with verbatim text, and replaces site-specific rulemaking with the simpler adjusted standards procedure.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules, proposed amendments and new Section require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. This rulemaking involves simplified delisting procedures.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721
 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section 721.101	Purpose of Scope
721.102	Definition of Solid Waste
721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste in Empty Containers

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

Criteria for Identifying the Characteristics of Hazardous Waste
 Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.120	General
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
721.124	Characteristic of EP Toxicity

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.130	General
721.131	Hazardous Wastes From Nonspecific Sources
721.132	Hazardous Waste From Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

Appendix A	Representative Sampling Methods
Appendix B	EP Toxicity Test Procedures
Appendix C	Chemical Analysis Test Methods
Table A	Analytical Characteristics of Organic Chemicals (Repealed)
Table B	Analytical Characteristics of Inorganic Species (Repealed)
Table C	Sample Preparation/Sample Introduction Techniques (Repealed)
Appendix G	Basis for Listing Hazardous Wastes

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Appendix H	Hazardous Constituents
Appendix I	Wastes Excluded under Section 720.120 and 720.122
Table A	Wastes Excluded from Non-Specific Sources
Table B	Wastes Excluded from Specific Sources
Table C	Wastes Excluded From Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

Appendix J	Method of Analysis for Chlorinated Dibenzop-p-Dioxins and Dibenzofurans
Appendix Z	Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2519, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20641, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. , effective

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTE

Section 721.110	Criteria for Identifying the Characteristics of Hazardous Waste
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The basis of the hazardous waste characteristics is given at 40 CFR Section 261.10. The characteristics are found at Section 721.120 et seq.

a) USEPA identifies and defines a characteristic of hazardous waste in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Subpart C only upon determining that: _____

- 1) A solid waste which exhibits the characteristic may:
 - A) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
 - B) Pose a substantial present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed; and
- 2) The characteristic can be:
 - A) Measured by an available standardized test method which is reasonable within the capability of generators of solid waste or private sector laboratories which are available to serve generators of solid waste; or
 - B) Reasonably detected by generators of solid waste through their knowledge of their waste.
- b) Delisting procedures are contained in 35 Ill. Adm. Code 720.122.
(Source: Amended at 14 Ill. Reg. , effective)

Section 721.111 Criteria for Listing Hazardous Waste

- a) USEPA's criteria for listing hazardous waste are given at 40 CFR Section 261.11. -USEPA lists a solid waste as a hazardous waste only upon determining that the solid waste meets one of the following criteria:
 - 1) It exhibits any of the characteristics of hazardous waste identified in Subpart C; or
 - 2) "It" lists Acute hazardous wastes are listed in Section 721.133(e). Acute hazardous wastes are those which have been found to be fatal. Acute toxic wastes are those which have Acute hazardous waste. It has been found to be fatal to humans in low doses or, in the absence of data on human toxicity, it has been shown in studies to have an oral LD 50 toxicity (rat) of less than 50 mg/kg, an inhalation LC 50 toxicity (rat) of less than 2 mg/l-L, or a dermal LD 50 toxicity (rabbit) of less than 200 mg/kg or is otherwise capable of causing or significantly contributing to an increase in serious irreversible or incapacitating reversible, illness.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: -(Waste listed in accordance with these criteria -will be-are designated Acute Hazardous Waste-)-.

- 3) Toxic waste. It contains any of the toxic constituents listed in Appendix H unless, after considering any of the following factors, USEPA concludes that the waste is not capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed:
 - A) The nature of the toxicity presented by the constituent.
 - B) The concentration of the constituent in the waste.
 - C) The potential of the constituent or any toxic degradation product of the constituent to migrate from the waste into the environment under the types of improper management considered in subsection (a)(3)(G).
 - D) The persistence of the constituent or any toxic degradation product of the constituent.
 - E) The potential for the constituent or any toxic degradation product of the constituent to degrade into nonharmful constituents and the rate of degradation.
 - F) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems.
 - G) The plausible types of improper management to which the waste could be subjected.
 - H) The quantities of the waste generated at individual generation sites or on a regional or national basis.
 - I) The nature and severity of the human health and environmental damage that has occurred as a result of the improper management of the wastes containing the constituent.
 - J) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent.
 - K) Such other factors as may be appropriate.

BOARD NOTE: Wastes listed in accordance with these criteria are designated toxic wastes.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 4) Substances are listed in Appendix H only if they have been shown in scientific studies to have toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms.

b) USEPA may list classes or types of solid waste as hazardous waste if USEPA has reason to believe that individual wastes, within the class or type of waste, typically or frequently are hazardous under the definition of hazardous waste found in Section 1004(5) of the Resource Conservation and Recovery Act (42 USC 6901 et seq.)

c) -USEPA's criteria for listing hazardous waste are given at 40 CFR Section 261.11. -USEPA will use the criteria for listing specified in this Section to establish the exclusion limits referred to in Section 721.105(c).

(Source: Amended at 14 Ill. Reg. , effective)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: CHILD SUPPORT ENFORCEMENT

- 2) Code Citation: 89 Ill. Adm. Code 160

- 3) Section Number: Proposed Action:
160.70 Amendment

- 4) Statutory Authority: Sections 10-1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 10-1 et seq. and 12-13)

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking Clarifies existing Department policy on the interception of unemployment insurance benefits in child support cases.

- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

- 8) Does this Proposed Amendment contain incorporations by reference? No

- 9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
160.5	Amendment	July 27, 1990 (14 Ill. Reg. 12148)
160.60	Amendment	July 27, 1990 (14 Ill. Reg. 12148)
160.65	New Section	July 27, 1990 (14 Ill. Reg. 12148)
160.100	Amendment	July 27, 1990 (14 Ill. Reg. 12148)
160.110	Amendment	July 27, 1990 (14 Ill. Reg. 12148)
160.120	Amendment	July 27, 1990 (14 Ill. Reg. 12148)

Section Numbers

Proposed Action

Illinois Register Citation

160.130	Amendment	July 27, 1990 (14 Ill. Reg. 12148)
160.132	New Section	July 27, 1990 (14 Ill. Reg. 12148)
160.134	New Section	July 27, 1990 (14 Ill. Reg. 12148)
160.136	New Section	July 27, 1990 (14 Ill. Reg. 12148)
160.138	New Section	July 27, 1990 (14 Ill. Reg. 12148)

- 10) Statement of Statewide Policy Objectives This rulemaking has no effect on local governmental units.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233). The department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: CHILD SUPPORT ENFORCEMENT

Section
160.1 Incorporation By Reference
160.5 Definitions
160.10 Child Support Enforcement Program
160.20 Assignment of Rights to Support

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section
160.30 Cooperation With Support Enforcement Program
160.35 Good Cause For Failure to Cooperate With Support Enforcement
160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45 Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section
160.60 Establishment and Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section
160.70 Enforcement of Support Orders
160.75 Withholding of Income to Secure Payment of Support
160.80 Amnesty - 20% Charge

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

- Section
160.100 Distribution Of Child Support For AFDC Recipients
160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- 160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

- 160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987 1989, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13).

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11929; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

- Section 160.70 Enforcement of Support Orders

a) Definitions

The definitions contained in Section 160.60(a) are incorporated herein by reference.

b) Income Withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure (Ill. Rev. Stat. 1987 1989, ch. 110, par. 2-1403).

c) Federal and State Income Tax Refunds and Other State Payments

1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other State payments (see Section 10.05a of the State Comptroller Act (Ill. Rev. Stat. 1987 1989, ch. 15, par. 210.05a) due such relatives.

2) The Department shall submit past-due support amounts to:

- A) the Department of Health and Human Services to intercept federal income tax refunds in

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

Section 160.70

Enforcement of Support Orders (Cont'd.)

Enforcement of Support Orders (Cont'd.)

accordance with federal instructions as follows:

advance notice shall inform the responsible relative of the following:

- i) in IV-D AFDC and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150 which has been in arrears for 3 months or longer; and

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be submitted for intercept;

- ii) in IV-D Non-AFDC cases, past-due support owed to or for a minor child in an amount not less than \$500.

- i) a redetermination by the Department or, after such redetermination,

- B) the Comptroller to intercept State income tax refunds and other State payments as follows:

- ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based, at the request of the responsible relative; and

- i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less; and

- D) that the Internal Revenue Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.

- ii) in inactive IV-D AFDC and IV-D foster care cases, past due support owed in any amount.

- iii) In cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

- 4) A request for a redetermination made within 30 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.

- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:

- A) a hearing by the Department within 30 days from the date of mailing of the notice; or
- B) an administrative review by any other state in which the support order was issued upon

- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 160.70

Enforcement of Support Orders (Cont'd.)

which the referral for federal income tax refund intercept is based.

- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within 10 days of the responsible relative's request. The Department shall be bound by the decision of the state with the order.

- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

- 8) The Department shall notify:

- A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
- B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept, in accordance with federal instructions;
- C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and
- D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.

- 9) The Department shall:

- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 160.70 Enforcement of Support Orders (Cont'd.)

- B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.

- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) above and shall promptly apply:

- A) federal income tax refunds first to satisfy any IV-D AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D Non-AFDC past-due support; and
- B) State income tax refunds and other State payments to satisfy any active IV-D AFDC and IV-D foster care assigned past-due support, or first to satisfy active IV-D Non-AFDC past-due support and then to satisfy any IV-D AFDC and IV-D foster care assigned past-due support.

- 11) The Department shall inform individuals who receive IV-D Non-AFDC support enforcement services, in advance, of the following:

- A) amounts intercepted under this subsection will be applied in accordance with subsection (c)(9) above;
- B) any payment received by the IV-D Non-AFDC individual as a result of federal income tax refund intercept may have to be returned to

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 160.70

Enforcement of Support Orders (Cont'd.)

the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.

d) Unemployment Insurance Benefits

- 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.

- 2) The Department shall take the following action:

- A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
- B) contact-the-relative-to-obtain-an-agreement-for-deduction-of-benefits-for-payment-of support.
- C) initiate-procedures-for-withholding-of income-in-accordance-with-Section-160-75-in cases-wherein-the-relative-fails-or-refuses-to-agree-to-benefit-deduction- collect child support owed through the intercept of the child's portion of the unemployment insurance benefits by:
 - i) initiating procedures for income withholding in accordance with Section 160.75, if the case is subject to income withholding; or
 - ii) if the case is not subject to income withholding, by obtaining a signed agreement from the responsible relative for the deduction of unemployment insurance benefits for the payment of

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 160.70

Enforcement of Support Orders (Cont'd.)

the child support obligation.

- B+C) establish the amount to be deducted by data entry to DES's computer file, which amount shall be the lesser of:

- i) the amount of the income withholding order; or
- ii) the amount of the child dependent's allowance, whether or not claimed.
- B+D) receive amounts deducted direct from DES.
- B+E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
- B+F) post each collection to the Department's payment record.
- B+G) apply each collection to the current support obligation, then to past-due obligations.
- B+H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.

- 3) The Department of Employment Security shall take the following action:

- A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
- B) pay all amounts deducted direct to the Department.
- e) Contempt of Court and Other Legal Proceedings
 - 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 160.70 Enforcement of Support Orders (Cont'd.)

court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one month support obligation; except as set forth in subsection (2) below.

2) Contempt proceedings shall not be used in the following instances:

A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:

- i) receiving public assistance;
- ii) mentally or physically disabled;
- iii) incarcerated;
- iv) out-of-the-country;
- v) deceased; or
- vi) otherwise situated making such action unproductive.

B) other legal or administrative remedies are more appropriate under the circumstances.

3) Contempt and other legal proceedings shall be used to:

- A) establish the amount of past-due support;
- B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 160.70 Enforcement of Support Orders (Cont'd.)

- C) secure an order for lump sum or periodic payment of the past-due support or judgment;
- D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;

E) obtain full or partial payment of past due support through incarceration;

F) ascertain the responsible relative's source and amount of income or location and value of assets;

G) secure other enforcement relief; and

H) obtain any combination of the above.

- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving AFDC in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987 1989, ch. 23, par. 9-6).

f) Liens Against Real Estate and Personal Property

- 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure (Ill. Rev. Stat. 1987, ch. 110, par. 12-101 et seq.).

- 2) A petition for a rule to show cause or other

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 160.70 Enforcement of Support Orders (Cont'd.)

petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:

- A) the past-due amount equals one year's support obligation under the order for support or \$2,000, whichever is less; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.
- 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure (Ill. Rev. Stat. 1987, ch. 110, pars. 12-101 et seq.)).
 - 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure (Ill. Rev. Stat. 1987 1989, ch. 110, pars. 12-101 et seq.)) when the relative has a known equity which is not less than \$2,000 in excess of any statutory exemption.

g) Security, Bond or Other Guarantee of Payment

- 1) Except as provided in subsections (2) and (3) below, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987 1989, ch. 23, par. 10-17.4).

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 160.70 Enforcement of Support Orders (Cont'd.)

- 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
- 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.

h) Past-Due Support Information to Consumer Reporting Agencies

- 1) The Department shall, upon request of consumer reporting agencies, provide the following information concerning the payment records of responsible relatives in IV-D cases to such agencies when the amount of past-due support exceeds \$1,000:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support which has accumulated under the order for support.
- 2) The Department shall provide the responsible relative with a notice at least 30 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 160.70 Enforcement of Support Orders (Cont'd.)

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be reported;
- C) the date past-due support will be reported; and
- D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 30 days from the date of mailing of the notice.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:

- A) a request for
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
- B) payment in full of the amount of the past-due support stated in the
 - i) advance notice, or

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 160.70 Enforcement of Support Orders (Cont'd.)

- ii) notice of redetermination or hearing results.

6) The Department shall advise consumer reporting agencies of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

i) Other Remedies

The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 14 Ill. Reg. _____, effective _____).

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: MEDICAL PAYMENT2) Code Citation: 89 Ill. Adm. Code 1403) Section Number: Proposed Action:

140.562 Amendment

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, pars. 5-5.1 et seq. and 12-13)5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides for a 7.1% nursing wage adjustment factor to be included in the reimbursement rate paid long term care providers for the period July 1, 1990 through June 30, 1992.6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? Yes7) Does this rulemaking contain an automatic repeal date?Yes ☐ No ☒8) Does this Proposed Amendment contain incorporations by Reference? No9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.24	Amendment	April 13, 1990 (14 Ill. Reg. 5417)
140.413	Amendment	March 30, 1990 (14 Ill. Reg. 4860)
140.461	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.462	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.463	Amendment	April 20, 1990 (14 Ill. Reg. 5726)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section Numbers	Proposed Action	Illinois Register Citation
140.471	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.472	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.473	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.474	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.475	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.476	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.477	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.478	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.479	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.480	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.481	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.528	Amendment	May 11, 1990 (14 Ill. Reg. 7027)
140.529	Amendment	July 20, 1990 (14 Ill. Reg. 11672)
140.539	Amendment	July 6, 1990 (14 Ill. Reg. 10629)
140.542	Amendment	March 23, 1990 (14 Ill. Reg. 4415)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.543	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.544	Repealed	March 23, 1990 (14 Ill. Reg. 4415)
140.545	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.569	Amendment	May 25, 1990 (14 Ill. Reg. 7834)
140.642	Amendment	March 2, 1990 (14 Ill. Reg. 3019)
140.646	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.647	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.648	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.649	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.650	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.652	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140. Table H	Amendment	March 2, 1990 (14 Ill. Reg. 3019)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Jean Merritt, Division of Medical Programs, Bureau of Long Term Care, Illinois Department of Public Aid, Bloom Building, 201

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

South Grand Avenue East, Springfield, Illinois 62762 (217) 782-0545. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 16, 1990
- B) Types of small businesses affected: Long Term Care facilities.
- C) Reporting, bookkeeping or other procedures required for compliance: No additional reporting, bookkeeping or other procedures required.
- D) Types of professional skills necessary for compliance: No additional or unique skills required.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment which appears in this issue of the Register on page 14188.

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

2) Code Citation: 89 Ill. Adm. Code 147

3) Section Numbers: Proposed Action:

147.150 Amendment
147.205 Amendment

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking addresses the disparity in reimbursement rates that exists between the kind and quality of services provided downstate and Chicago area long term care residents by calculating the regional mean wages after replacing those wages below the statewide average by 90% of the statewide average.

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

There is still an emergency amendment in affect on Section 147.150 which is not affected by this set of emergency amendments. The emergency amendment appears at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days. The copy filed in the Administrative Code Division reflects both emergency rules.

Section Numbers	Proposed Action	Illinois Register Citation
147.150	Amendment	May 4, 1990 (14 Ill. Reg. 6664)

NOTICE OF PROPOSED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
147.250	New Section	April 13, 1990 (14 Ill. Reg. 5434)
147.300	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.305	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.310	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.315	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.320	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.325	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.330	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.335	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.340	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.345	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.350	New Section	June 15, 1990 (14 Ill. Reg. 9355)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on Local Governmental Units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Jean Merritt, Division of Medical Programs, Bureau of Long Term Care, Illinois Department of Public Aid, Bloom Building, 201

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

South Grand Avenue East, Springfield, Illinois 62762 (217) 782-0545. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 16, 1990
- B) Types of small businesses affected: Long Term Care Facilities
- C) Reporting, bookkeeping or other procedures required for compliance: No additional reporting, bookkeeping or other procedures required.
- D) Types of professional skills necessary for compliance: No additional or unique skills required.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 14206.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: State Administration of the Federal Community Services Block Grant Program
- 2) Code Citation: 47 Ill. Adm. Code 120
- 3) Section Numbers: 120.115
Adopted Action: Amendment
- 4) Statutory Authority: Implementing the Illinois Economic Opportunity Act (Ill. Rev. Stat. 1989, ch. 127, pars. 2601 et seq.) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.42).
- 5) Effective Date of Amendments: August 20, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? Yes, under Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: August 14, 1990.
- 9) Notice of Proposal Published in Illinois Register: April 13, 1990 - 14 Ill. Reg. 5296
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version:
The authority note has been updated to reflect the 1989 edition of the Illinois Revised Statutes.

Section 120.115
In line 2 of subsection(a)(1)(F)(i), "or," has been changed to "; or".

In line 6 of subsection(a)(1)(F)(ii), the word "will" has been replaced with "shall".

In line 6 of subsection(a)(2)(E)(ii), changed "will" to "shall".

In the last line of subsection(b)(2)(A), changed "or;" to "; or".

In subsection(b)(2)(B), replaced "will" in line 1 and "must" in line 12 with "shall".

Replaced "U.C.C." in line 3 of subsection(e)(6) with the following language: "Uniform Commercial Code (U.C.C.) (Ill. Rev. Stat. 1989, ch. 26, pars. 1-101 et seq.)".

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

In the last line of subsection(g)(3), changed "1987" to "1989".

In lines 15 and 16 of subsection(i)(1), changed "1987" to "1989" and deleted", as amended by P.A. 85-1214, effective August 30, 1988".

In subsection(i)(2), line 23, replaced "will" with "shall".

In line 24 of subsection(i)(2) after "designee", inserted "Illinois Ventures for Community Action, Inc.,".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: The revisions contained herein are in response to user agency appeal for greater flexibility in amount of funds loaned per created job, in allowable loan interest charges and in use of loan funds. The revisions also correct a mistake in previous rulemaking and provide clarification of loan security and lapsed principal provisions.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. John D. Taylor, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER 1: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 120

STATE ADMINISTRATION OF THE FEDERAL COMMUNITY SERVICES
BLOCK GRANT PROGRAM

Section	
120.10	Legislative Base
120.20	Purpose and Scope
120.30	Definitions
120.40	Allocation
120.50	Grant Application Requirements
120.55	Grantee Termination
120.60	Grantee Selection
120.70	Required Board Structure
120.80	Administrative Requirements
120.90	Nondiscrimination
120.100	Complaint Process
120.110	Program Types-Description
120.115	CSBG Loan Programs
120.120	Eligibility Requirements
120.130	Limitations on Use of CSBG Funds
120.140	Incorporation by Reference

AUTHORITY: Implementing the Illinois Economic Opportunity Act (Ill. Rev. Stat. 1989, ch. 127, pars. 2601 et seq.) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.42).

SOURCE: Adopted and codified at 7 Ill. Reg. 2934, effective March 9, 1983, amended at 8 Ill. Reg. 6023, effective April 20, 1984; amended at 9 Ill. Reg. 10692, effective June 28, 1985; amended at 9 Ill. Reg. 18130, effective November 12, 1985; amended at 10 Ill. Reg. 8666, effective May 13, 1986; amended at 10 Ill. Reg. 8976, effective May 13, 1986; amended at 10 Ill. Reg. 21051, effective December 8, 1986; amended at 11 Ill. Reg. 5926, effective March 19, 1987; amended at 11 Ill. Reg. 7937, effective April 20, 1987; amended at 12 Ill. Reg. 751, effective December 28, 1987; amended at 12 Ill. Reg. 17311, effective October 17, 1988; amended at 13 Ill. Reg. 779, effective January 4, 1989; amended at 13 Ill. Reg. 13562, effective August 11, 1989; amended at 13 Ill. Reg. 14026, effective August 28, 1989; amended at 14 Ill. Reg. 13970, effective August 20, 1990.

Section 120.115 CSBG Loan Programs

a) Loan Types

1) Fixed Rate Financing Fund Loan

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- A) CSBG funds are loaned through Grantees to an Illinois business in a separate but companion agreement to a conventional loan.
- B) The combined loans must exceed \$75,000.
- C) The CSBG loan represents no less than ten percent (10%) and no more than twenty percent (20%) of the combined --borrowing--total loan package (combined borrowing and equity).
- D) The conventional loan is obtained from a licensed Illinois lending institution. The Small Business Administration guarantees up to 90% of the private lending institution's loan through its 7(a) Guaranteed Loan Program (15 U.S.C. 636(a)). The lending institution may sell the guarantee, called a "guaranteed interest certificate" into the secondary money market at a fixed interest rate that is one-half to one percent above Treasury bonds of the same maturity.
- E) The CSBG loan term may not exceed 10 years and has-a fixed interest rate of no more than five percent (5%).
- F) CSBG Loan interest rate (Fixed-Flexible option)
- i) The CSBG loan shall have a fixed interest rate of no more than five percent (5%); or
- ii) At the grantee's option, the interest rate to the borrower may be set at loan inception at a rate not to exceed one-half (1/2) of the Prime Interest Rate (National Prime Rate as shown on that date in the Wall Street Journal). This calculated rate shall become the loan's fixed interest rate for a one year period. Thirty (30) days before the annual anniversary date of the loan, the Grantee shall notify the borrower of the interest rate to be charged for the next year (based on 1/2 of Prime at date of notice). The annual interest rate under this flexible option shall never exceed the original interest rate (ceiling) and the Grantee may set a minimum (floor) interest rate of five percent (5%) or less for the duration of the loan.

b)

Hiring and Job Retention

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- G) F) The conventional and CSBG loan closings must be within 60 days of each other.
- 2) CSBG Revolving Loan
- A) CSBG funds are loaned through Grantees to an Illinois business in a separate but companion agreement to a conventional loan.
- B) The CSBG loan represents no more than forty-nine percent (49%) of the combined --borrowing--total loan package (combined borrowing and equity).
- C) The conventional loan is obtained from a licensed Illinois lending institution.
- D) The CSBG loan term may not exceed 10 years but may be for a shorter term at the discretion of the Grantee. The CSBG loan will have a fixed interest rate of no more than five percent (5%).
- E) CSBG Loan interest rate (Fixed-Flexible option)
- i) The CSBG loan shall have a fixed interest rate of no more than five percent (5%); or
- ii) At the grantee's option, the interest rate to the borrower may be set at loan inception at a rate not to exceed one-half (1/2) of the Prime Interest Rate (National Prime Rate as shown on that date in the Wall Street Journal). This calculated rate shall become the loan's fixed interest rate for a one year period. Thirty (30) days before the annual anniversary date of the loan, the Grantee shall notify the borrower of the interest rate to be charged for the next year (based on 1/2 of Prime at date of notice). The annual interest rate under this flexible option shall never exceed the original interest rate (ceiling) and the Grantee may set a minimum (floor) interest rate of five percent (5%) or less for the duration of the loan.
- F) E) The conventional and CSBG loan closings must be within 60 days of each other.

b) Hiring and Job Retention

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- 1) Establishing a Pre-Loan Base Number of Employees -- The Grantee shall review the borrower's employment verification records at the time of the loan closing to establish the pre-loan employment level in order to assure that no personnel cuts were made by the business in anticipation of the pending loan and its hiring requirements.

2) Hiring Requirements

- A) Businesses accepting CSBG loan funds must hire at least one new full-time equivalency (minimum 37 1/2 hour work week, averaged annually) CSBG eligible (in accordance with Section 120.120) employee for each \$5,000 or any portion thereof of CSBG monies borrowed:

Example:	1-\$ 5,000	Minimum
	\$ 5,001-\$10,000	1 Job
	\$10,001-\$15,000	2 Jobs
		3 Jobs; or

- B) The Department shall allow, based on presentation of written verifiable jobs (to be created) salary data submitted as part of its loan application, the Grantee to set the amount loaned per job at fifty percent (50%) of the entry level salary for each proposed job up to a maximum of \$15,000 per job. (For example: an entry level salary of \$40,000 would warrant lending of \$15,000; a \$20,000 entry salary would warrant lending of \$10,000; a \$7,000 entry salary would warrant lending of \$3,500.) (No combination of (A) and (B) of this subsection is allowed. The Grantee shall choose one method or the other.)

- C) If part-time employment is involved in the created jobs (under either (A) or (B) of this subsection), the full-time equivalency shall be no more than two employees making up one 37 1/2 hour work week.

- D) B) A hiring schedule must be a part of each loan agreement. The required hiring must be completed within the first 24 months of the loan, with at least 50% of the new employees hired in the first 12 month period. (For purposes of this hiring timeframe, the loan is considered consummated the date the borrower first receives the loan funds.)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- E) e) The job positions for CSBG eligible clients created by the loan must be retained and filled by an eligible client for at least 24 months from the date the job was first created. Grantees should attempt to retain the availability of the loan created jobs for CSBG eligible clients over the full loan term by maintaining professional contact (e.g., Job Training Partnership Act job referrals, Targeted Jobs Tax Credit Program) with the business and tracking the jobs. Grantees, through their individual loan agreements, may negotiate more restrictive hiring requirements than stated in subsection (2).

c) Loan Fund Use

CSBG funds loaned may only be used to purchase machinery, equipment or inventory or to provide working capital. CSBG loans may not be used to purchase or improve real property (per Section 120.130 of this Part). This real property restriction does not apply to loans made with "Recaptured Loan Funds" (as described in subsection (h)).

d) Loan Security

Provisions (collateral) shall be made for first position on loan security. If first position is impossible because of the primary lender's claims, the Grantee should negotiate shared position with the private lender. Subordinate position for loan security should be the CAA's last resort. Loan agreements shall contain precise listings and assignment of collateral established as security for the loan.

e) Loan Contract Provisions

Each Grantee's loan contract with a borrower shall clearly, and in detail, specify the following:

- 1) Employment Plan (consisting of mechanism to assure CSBG client eligibility, timeframes, job descriptions);
- 2) Payment Schedule;
- 3) Interest Rate Charged;
- 4) Late Payment Penalty Provision (optional);
- 5) Default Provisions (Hiring and Payback: i.e., minimum hiring provisions may not extend beyond 24 months, and no

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

more than 90 days payment arrears);

- 6) Loan Security Provision (The Grantee shall perfect the loan security. For example: hold title to vehicles; secure a mortgage on pledged real property; require Uniform Commercial Code (U.C.C.) (Ill. Rev. Stat. 1989, ch. 26, pars. 1-101 et seq.) filing for pledged equipment, fixtures and inventory.);

- 7) Collateral Description;

- 8) Prepayment Provisions (optional);

- 9) Hiring Schedule;

- 10) Use of Loan (Machinery, Working Capital, Equipment);

- 11) Hiring Noncompliance Penalty (optional);

- 12) Other documentation necessary to assure compliance (e.g., hiring reports); and

- 13) Primary lender - amount - term - interest - collateral.

f) Loan Payment Provisions

- 1) The interest rate for the CSBG loan shall have a fixed rate not to exceed 5% or an annually adjusted rate as specified in subsection (a)(2)(E).

2) Payment Schedules

- A) Payments shall include principal and interest calculated in accordance with standard loan tables.

- B) Loan payments shall not be deferred.

- C) Grantees, through their individual loan agreements, shall impose a late payment penalty of not less than five percent (5%) of any monthly installment not received from the borrower within fifteen (15) days after the installment is due.

g) Loan Approval Process for Loans Under Current Grants

- 1) All Grantee CSBG funded loans must be submitted to the Department for approval. The Department's review and determination to approve or disapprove the loan will be

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

given in writing within twenty (20) working days of receipt of a complete set of the loan documents. (Loans submitted for approval after November 15, of any calendar year may take up to forty-five (45) working days for approval.)

- 2) The loan application documents to be submitted and upon which the decision of the Department will be based, consist of:

- A) The loan agreement containing all provisions in compliance with this Part.

B) Application documents:

- i) History of the Company - a brief history of the business and past employment growth.

- ii) Market Information - information on the company's products or services and identification of existing and potential major customers and competitors.

- iii) Corporate Financial Statements - historical corporate financial statements for the past three years and interim statements dated no more than ninety days prior to application including: Profit and Loss Statements, Balance Sheets, Cash Flow Statements, and Disclosure of Contingent Liabilities.

- iv) Three Year Projections - three year projections of the Profit and Loss Statement and Balance Sheet and a one year Monthly Cash Flow Projection.

- v) Description of Machinery and Equipment (if applicable) - major equipment or classes of equipment to be acquired with the Department's program funds identified; for acquisition of new machinery and equipment, attachments of reliable vendor cost estimates; for moving and installation costs, attachments of written estimates; for used machinery and equipment acquisition, an independent appraisal demonstrating that the fair market value is in line with the purchase price.

- vi) Description of Working Capital (if applicable)-

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

a detailed explanation of the need for and use of funds.

vii) Company Management - a listing of those people that are responsible for the management of the company, their positions, and percentages of ownership.

viii) Personal Resumé(s) - a resumé for senior staff at the proposed project site.

ix) Personal Financial Statement - a personal financial statement(s) for each principal owning more than 20 percent of the company.

x) Letters of Commitment - commitment letters documenting all sources of leveraging; loans from financial institutions must have language indicating the loan amount, the specified term and interest, collateral, conditions attendant to the loan, and the fact that the loan is approved; any commitment to purchase a revenue bond must have an executed inducement resolution and the rates, terms, and conditions of approval by the buyer.

3) Financial Evaluation Component - The applicant's financial statements, including annual balance sheets and profit and loss statements for the past three years as well as the most recent ninety days; a three year projected balance sheet and profit and loss statement as well as a one year monthly cash flow statement will be reviewed through a standard credit analysis (as prescribed in the Business Credit Analysis Textbook, 1985, published by the National Development Council) which, will determine the: liquidity and debt coverage for the project; ability of the company to manage debt; business trends, and projected earnings. This data will be compared to similar data for companies in the same industry using "Robert Morris Associates Annual Statement Studies" (1987) (1988) if such industry is evaluated by this source. This standard credit analysis will determine the financial stability of the company. Determination of the loan approval will also be based on compliance with Section 9-4(a), (d), (e), and (f) of the Small Business Development Act (Ill. Rev. Stat. 1987 1989, ch. 127, par. 2709-4(a), (d), (e), and (f)).

h) Loan Approval Process for Recaptured Loan Funds

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

1) All Grantee loans utilizing repaid principal from previous CSBG loans (recaptured loan funds) must be submitted to the Department for approval.

2) The Grantee may, at its option, request the Department to review the complete loan application. When this request occurs, the documents upon which the Department will judge its approval or disapproval and the process for this determination will be in accordance with subsection (g) of this Section.

3) If the Grantee chooses to conduct its own loan review, the loan document to be submitted and upon which the decision of the Department will be based is the "Pre-Loan Closing Form" which includes the following information:

- A) Grantee Agency name, address and date of submittal;
- B) Name and address of borrowing business;
- C) Loan period;
- D) Interest rate;
- E) Hiring schedule;
- F) Loan use;
- G) Collateral description and position;
- H) Primary lender, amount, and term; and
- I) Signature of submitting officials.

4) The approval, or disapproval of the Department will be based on the loan period, interest rate, hiring schedule, loan use, collateral description and position, and primary lender amount being in compliance with this Part. The "Pre-Loan Closing Form" will have an Approval/Disapproval check box with an explanation section for disapproved submittals and a signature line for the Department's reviewer. This document, with the Department's determination and signature, will be returned to the Grantee within 10 working days of its receipt. (The approval process for loans submitted after November 15, of any calendar year may take up to forty-five (45) working days.)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

i) Loan Fund Recovery/Re-Use/Disposition/Reversionary Right

1) Recovery

The repaid loan principal is considered by the Department to be a Community Services Block Grant-related asset, held in trust by the Grantee. The Grantee must place the repaid loan principal in a corporate revolving loan account to continue business assistance efforts in compliance with this Part. This continuation requirement shall be perpetually binding on the Grantee, its successors and assignees until such time as the Department formally negotiates with the agency other CSBG related uses for the recovered loan principal. The interest earned on the CSBG supported business loans is not required to be a part of the perpetuation of the loan program nor subject to the provisions of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1987 1989, ch. 127, pars. 2301 et seq.; as amended by P.A. 85-1214, effective August 30, 1988) and may be used for any corporate purpose.

2)

Re-Use

Recaptured principal amounts will be reported quarterly to the Department. The Grantee shall actively pursue new business start up or expansion loan opportunities for the recaptured principal (written record of loan attempt activity). When it is found by the Department that recaptured principal has accrued to the lesser of \$40,000 or 75% (minimum amount \$5,000) of the amount loaned by the Grantee in any grant year (lapsed principal); the Department will notify the Grantee in writing at 30 days and 45 days from the date of the finding; that it must commit the lapsed principal to loans or lose it. Sixty days after the initial finding, the Department shall require the Grantee to forward, within 30 days of the notice, a check for the specific amount of lapsed principal to another Grantee or Grantees who have notified the Department of lack of funds for pending CSBG loans either \$40,000 or thirty-three percent (33%) of the annual repaid principal amounts (from the previous calendar year excluding any balloon payments), whichever is greater, the excess of these limits will be declared to be lapsed principal. All interest earned on lapsed principal during the year and the excess principal held by the Grantee at the end of the calendar year, shall be payable to the Department, or its designee, Illinois Ventures for Community Action, Inc., (with thirty days written notice)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

by the end of February in the following calendar year.

3) Disposition

The Grantee may not sell, transfer or in any way dispose of the CSBG funded loans.

4) Reversionary Right

In the event of Grantee termination of funding (as specified in Section 120.55 of this Part) the Grantee's repaid principal loan fund balance and all current loans shall revert to the Department for transfer to the successor (Section 120.60 of this Part) agency.

j) Reporting/Monitoring/Recordkeeping

1) The grantee agency is responsible for monitoring the following provisions of each CSBG supported loan (including loans made with recaptured loan principal):

A) hiring schedule compliance including CSBG eligibility verification;

B) replacement of employees;

C) use of loan monies; and

D) loan repayment.

2) Loans made with recovered loan principal will be monitored and reported in the same manner as initial CSBG fund loans. The grantee agency monitoring must be completed prior to the Department's quarterly CSBG reporting requirement dates (1/15, 4/15, 7/15 and 10/15). The CSBG quarterly reports from the grantee agency will include a completed Quarterly Fund Hiring/Payback status report which provides the following information:

A) agency name and address, reporting period, and contact person;

B) a list of closed projects;

C) total number of jobs created using CSBG dollars;

D) total number of jobs retained using CSBG dollars;

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- E) timetable for hiring (number to be hired by month, day, and year);
- F) total number of jobs filled to date (excluding terminations);
- G) number of CSBG persons hired who are female or minority employees;
- H) comments regarding the projects (terminations are to be noted here);
- I) loans totally repaid (name and amount of principal);
- J) loans presently being repaid (name, monthly principal, and principal to date);
- K) total principal repaid to date on all loans;
- L) balance of funds in recaptured account;
- M) loans made from recaptured funds (business name and CSBG dollar amount); and
- N) loans delinquent in payback (business name, total amount delinquent, how long delinquent).
- 3) The grantee agency must maintain loan program data (e.g., bank statements, copies of W-4's) to verify information reported quarterly to the Department.
- 4) The Department's program monitoring and annual auditing will include verification of the Grantee's report on the status of each consummated loan.

(Source: Amended at 14 Ill. Reg. 13970, effective August 20, 1990.)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Uniform Fiscal and Administrative Standards for the Job Training Partnership Act
- 2) Code Citation: 56 Ill. Adm. Code 2630
- 3) Section Numbers: 2630.82
2630.103
Adopted Action: Amendment
Repeal
- 4) Statutory Authority: Implementing Section 164(a)(1) of the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982, as amended by P.L. 97-404, effective December 31, 1982; P.L. 99-496, effective October 16, 1986; P.L. 99-570, effective October 27, 1986; and P.L. 100-418, effective August 23, 1988) and Section 46.41 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.41) and authorized by Section 46.40(b) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.40(b)).
- 5) Effective Date of Amendments: August 20, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? Yes, under Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: August 14, 1990.
- 9) Notice of Proposal Published in Illinois Register: April 13, 1990 - 14 Ill. Reg. 5310.
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version:
Updated the authority note to cite the 1989 edition of the Illinois Revised Statutes.
Section 2630.82
At the end of subsection(b)(3)(A)(i), changed the period to a semicolon.
In subsection(b)(4), line 4, deleted "(formal advertising)".
In subsection(b)(4)(A), line 1, inserted "(e.g., price or rate quotations documented to the file which describe what is being procured, date provided, provider, amount and delivery date)" after "relatively simple".
In subsection(b)(4)(A), line 4, inserted "with a single vendor during a

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

fiscal year" after "aggregate".

In subsection(b)(4)(B), line 1, deleted "(formal advertising)".

In subsection(b)(4)(B)(i), line 5, added "as evidenced by documentation of an attempt to identify and obtain three bids" after "suppliers" and inserted "(a minimum of ten working days)" after "sufficient time".

In subsection(b)(4)(B)(v), line 3, inserted a comma after "sound".

In subsection(b)(4)(D), line 3, added "if" after "or" and deleted the comma after "sources" in line 4.

In subsection(b)(4)(D), line 8, deleted the colon.

In subsection(c), inserted an end parenthesis after the subsection label "c".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? Yes.

Section Numbers:
2630.112

Proposed Action:
Amendment

Illinois Register Citation:
May 18, 1990
14 Ill. Reg. 7312

15) Summary and Purpose of Amendments: Procedures for the procurement of service providers under the Job Training Partnership Act (JTPA) no longer differ from the procedures for other types of procurement. It was therefore decided that requirements for all procurement be specified in one Section. To that end, subsection (b) has been deleted and the heading of subsection (b) (previously labeled (c)) has been changed to delete the references to service providers. The provisions of Attachment O from the Office of Management and Budget (OMB) Circulars A-102 and A-110 are already addressed in greater detail in subsection (b). Additionally, the methods of procurement addressed in subsection (b)(4) are being revised to correspond to the common rule issued by the OMB at 53 FR 8097, March 11, 1988. One significant change included in the revision is that the dollar limit governing small purchase procurement was raised from \$10,000 to \$25,000. Section 2630.103 is being repealed because JTPA Title III funds no longer require match.

16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

Mr. John D. Taylor, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRSPART 2630
UNIFORM FISCAL AND ADMINISTRATIVE STANDARDS FOR
THE JOB TRAINING PARTNERSHIP ACT

SUBPART A: INTRODUCTION

Section
2630.2

Definitions

SUBPART B: ADMINISTRATIVE STANDARDS AND PROCEDURES

Section
2630.80
2630.81
2630.82
2630.83
2630.84
2630.85Program Income
Insurance
Procurement
Property Management
Management Systems, Reporting, and Recordkeeping
Cash Management

SUBPART C: FISCAL STANDARDS AND PROCEDURES

Section
2630.100
2630.101
2630.102
2630.103Allowable Costs
Classification of Costs
Limitations on Certain Costs
Matching Funds (Repealed)

SUBPART D: COST DETERMINATION

Section
2630.110
2630.111
2630.112
2630.113
2630.114Principles for Determining Costs
Guidelines for Cost Allocation Plans
Standards for Selected Items of Cost
Indirect Cost Proposals
Suggested Bases for Cost Distribution

SUBPART E: AUDIT

Section
2630.120
2630.121
2630.122
2630.123Audit Requirements
Oversight
Sanctions
Federal Cognizance

AUTHORITY: Implementing Section 46.41 of the Civil Administrative Code of

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.41) and the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982, as amended by P.L. 97-404, effective December 31, 1982; P.L. 99-496, effective October 16, 1986; P.L. 99-570, effective October 27, 1986; and P.L. 100-418, effective August 23, 1988) and authorized by Section 46.40(b) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.40(b)).

SOURCE: Adopted at 8 Ill. Reg. 3616, effective March 12, 1984; amended at 8 Ill. Reg. 14307, effective August 2, 1984; amended at 8 Ill. Reg. 16422, effective August 31, 1984; amended at 8 Ill. Reg. 22515, effective November 5, 1984; amended at 9 Ill. Reg. 6159, effective April 24, 1985; amended at 9 Ill. Reg. 6692, effective April 25, 1985; amended at 9 Ill. Reg. 18475, effective November 18, 1985; amended at 9 Ill. Reg. 20669, effective December 16, 1985; amended at 10 Ill. Reg. 8083, effective May 6, 1986; amended at 10 Ill. Reg. 21069, effective December 5, 1986; amended at 11 Ill. Reg. 11682, effective June 29, 1987; amended at 12 Ill. Reg. 15961, effective September 26, 1988; amended at 14 Ill. Reg. 13984, effective August 20, 1990.

SUBPART B: ADMINISTRATIVE STANDARDS AND PROCEDURES

Section 2630.82 Procurement

- a) Procurement Systems for State Agency Grantees and Subgrantees - State agency grantees and subgrantees shall administer procurement systems in accordance with the Standard Procurement Rules of the Department of Central Management Services (44 Ill. Adm. Code 1) for selection of JTPA providers.
- b) Procurement Systems for Non-State Agency Grantees and Subgrantees - All grantees and subgrantees shall administer procurement systems in accordance with the Office of Management and Budget (OMB) Circular A-102, Attachment O (47 Ill. Adm. Code 1, Appendix A) or OMB Circular A-110, Attachment O (47 Ill. Adm. Code 1, Appendix B) as applicable, except in the selection of service providers as specified in subpart (c) through (g) of this section.
- b)c) Procurement Systems for Non-State Agency Grantees and Subgrantees/Selection of Service Providers - All grantees and subgrantees shall administer procurement systems for selection of all service providers. The procurement system shall take into consideration past performance (e.g., entered employment rates, cost per placement, and ability to meet contract objectives). The procurement system may consider other criteria as determined locally. The procurement system shall include the following requirements:

- 1) Grantee/Grantor Responsibility

These standards do not relieve the grantee/subgrantee of

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

any contractual responsibilities under its contracts. The grantee/subgrantee is responsible, in accordance with good administrative practice and sound business judgment for the settlement of all contractual and administrative issues arising out of procurements entered in support of a grant. These include but are not limited to source evaluation, protests, disputes, and claims. Violations of law are to be referred to the local, State, or Federal authority having proper jurisdiction.

2) Code of Conduct

A) Grantees/subgrantees shall maintain a written code or standards of conduct which shall govern the performance of their officers, employees or agents engaged in the award and administration of contracts supported by Federal funds. Pursuant to Section 141(f) of the Act, no Private Industry Council (PIC) member shall participate in the selection or in the award of a contract supported by Federal funds if a conflict of interest, real or apparent, is involved. Additionally, no employee, officer, or agent of the grantee/subgrantee, or governing body of the grantee shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, is involved. Such a conflict shall arise when the employee, officer or agent; any member of his or her immediate family; his or her partner; or an organization which employs any of the previously identified, has a financial or other interest in the entity selected for an award. This provision does not prohibit a community based organization, education agency, employer, or other service provider represented by a PIC member from receiving a subgrant for the provision of training and/or services to participants. However, when such a conflict of interest arises, PIC members must abstain from voting on the award of the subgrant. The grantee is prohibited from awarding a subgrant

i) to any PIC member for performing administrative services (i.e., consultant services, accounting services, etc.); or

ii) to any PIC member or entity with which he/she is affiliated which results in direct personal gain to the PIC member.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

B) The grantee's/subgrantee's officers, employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from service providers, potential service providers (i.e., persons who perform services of type contracted for), or parties to grants.

3) Selection Procedures

A) All procurement transactions, regardless of whether by sealed bids or by negotiation and without regard to dollar value, shall be conducted in a manner that provides maximum open and free competition consistent with Section --2630-82 --of this Part Section. Procurement procedures shall not restrict or eliminate competition. Examples of what shall be considered to be restrictive of competition include, but are not limited to:

- i) placing different requirements on various firms in order for them to qualify for the same procurement;
- ii) noncompetitive practices between firms;
- iii) organizational conflicts of interest; and
- iv) unnecessary experience and bonding requirements (i.e., requests for qualifications or experience that are not related to the services to be procured).

B) The grantee/subgrantee shall have written selection procedures which shall provide, at a minimum, the following procedural requirements:

- i) Solicitations of offers, whether by competitive sealed bids or competitive negotiation proposals shall incorporate a clear and accurate description of the technical requirements for the service to be procured. Such description shall not, in competitive procurements, contain features which restrict competition. The description shall include a statement of the qualitative nature of the service to be procured and set forth those standards to which the service shall conform in order to meet the program purpose. Solicitations of offers shall clearly set forth

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

all requirements which service providers/contractors must fulfill and all other factors to be used in evaluating proposals pursuant to Section 2630.2 of this Part.

- ii) Awards shall be made only to service providers/contractors that demonstrate the ability to meet objectives of the proposed procurement. Examples of how the ability to meet the procurement objects can be demonstrated include, but are not limited to: financial resources, technical qualifications, experience, organization and facilities adequate to carry out the project; resources to meet the completion schedule contained in the contract; a satisfactory performance record for completion of contracts; and accounting and auditing procedures adequate to control property, funds and assets, pursuant to Sections 2630.83(a) and (b) and 2630.84(c) through (i) of this Part.

4) Methods of Procurement -

- A) Procurement under grants shall be made by one of the following methods: procurement by small purchase procedures, procurement by competitive sealed bids, procurement by competitive negotiation proposals, or procurement by noncompetitive negotiation proposals.

- A) Small purchase procedures are those relatively simple (e.g., price or rate quotations documented to the file which describe what is being procured, date provided, provider, amount and delivery date) and informal procurement methods for securing services, supplies, or other property that do not cost more than \$25,000 in the aggregate with a single vendor during a fiscal year. If small purchase procurements are used, price or rate quotations will be obtained from an adequate number of qualified sources.

- B) A competitive sealed bids consists of a are publicly solicited offer for and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price. The sealed bid is the preferred method for procuring construction, if the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

conditions which follow apply. If the competitive In order for sealed bids to be feasible, process-is-used for a procurement, under a grant, the following requirements shall apply conditions should be present: a complete, adequate and realistic specification or purchase description is available; two or more responsible bidders are willing and able to compete effectively for the business; and the procurement lends itself to a firm-fixed-price contract and the selection of the successful bidder can be made principally on the basis of price. If sealed bids are to be used, the following requirements apply:

- i) the invitation for bids will be publicly advertised and A sufficient time prior to the date set for opening of bids, bids shall be solicited from an adequate number of known suppliers as evidenced by documentation of an attempt to identify and obtain three bids, providing them sufficient time (a minimum of ten working days) prior to the date set for opening the bids; in addition, the invitation shall be publicly advertised in newspapers circulated in the local service delivery area;
- ii) the invitation for bids, including which will include any specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation;
- iii) all bids shall be publicly opened publicly at the time and place stated prescribed in the invitation for bids;
- iv) a firm-fixed-price contract award shall will be made by written notice in writing to that the lowest responsive and responsible bidder whose bid, conforming to the invitation for bids, Where specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- v) any or all bids may be rejected if the bidders

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

cannot demonstrate nor meet the conditions of the invitation for bids there is a sound, documented reason.

- C) The Procurement by competitive negotiation process proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. consists of publicly solicited proposals for services to be provided which are evaluated according to the criteria established by the grantee/subgrantee pursuant to 2630-82(c)(3) of this Part. If the competitive negotiation process this method is used for a procurement, under a grant, the following requirements shall apply:

- i) A Requests for pProposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical, shall identify all evaluation factors established by grantees/subgrantees pursuant to Section 2630-82(c)(3) of this Part. All persons who request a request for proposal form must be given one by the grantee/subgrantee.
- ii) The grantee/subgrantee shall establish mechanisms consistent with Section 2630-82(c)(3) of this Part for technical evaluation of the proposals received, determinations of bidders who will be contacted for the purpose of written or oral discussions, and selection for contract award. Proposals will be solicited from an adequate number of qualified sources.
- iii) Award shall be made to the service provider whose proposal most fully meets the criteria established by the grantee/subgrantee pursuant to Section 2630-82(c)(3) of this Part. Unsuccessful service providers must be notified within thirty days of the award. Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees.
- iv) Award will be made to the responsible firm

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

whose proposal is most advantageous to the program, with price and other factors considered; and

- v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

- D) Procurement by Noncompetitive negotiation consists of procurement proposals is procurement through the solicitation of a proposal from only one source, or if after solicitation of a number of sources competition is determined inadequate. Circumstances under which a contract may be awarded by noncompetitive negotiation are limited to the following situations:

- i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and one of the following circumstances applies:
 - i) where the service the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; the awarding agency authorizes noncompetitive proposals, or after solicitation of a number of sources, competition is determined inadequate. or
 - ii) where after solicitation of potential service providers pursuant to Section 2630-82(f) of this Part, the grantee/subgrantee determines that the bidders cannot meet the requirements specified in Section 2630-82(e)(4)(B) of this Part.
 - ii) Cost analysis, i.e., verifying the proposed

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

cost data, and the evaluation of the specific elements of costs and profit, is required.

5) Grantee Procurement Records

Grantees shall maintain records which detail the history of a procurement. These records shall include, but are not necessarily limited to the following: the method of procurement, and the basis for the selection or rejection of a service provider.

c)d) Sole source awards for on-the-job training of program participants may be made, provided that an employer-employee relationship exists and that the employer will provide job training to enable the participant to perform as a regular employee of the employer's (or another employer's) establishment. When such awards are made, records of the awards shall be maintained.

e) Subgrants of \$10,000 or less are exempt from the procurement requirements of Section 2630-82(c)(4) of this Part.

d)f) All grantees and subgrantees shall maintain a list of potential providers/contractors who have expressed an interest, in writing, in being considered for awards. The list shall include names, addresses, and services. All potential providers/contractors, who have expressed interest in being considered for awards, shall be sent Requests for Proposals for the area or areas of service for which they wish to be considered. The list shall be considered to be public information.

e)g) Programs determined to be effective by the Private Industry Council (PIC) using locally developed standards of effectiveness may be continued by non-competitive negotiations proposals in accordance with subsection(b)(4)(D) provided that

1) in the case of programs operated by service delivery areas, as defined in Section 101 of the Act, the Private Industry Council (PIC) reviews their performance and supports continuation of the grant; and

2) in the case of programs supported by funds authorized by Sections 202(b) and 301 of the Act, the Illinois Job Training Coordinating Council, in accordance with Section 122(b) of the Act, reviews their performance.

(Source: Amended at 14 Ill. Reg. 13984, effective August 20, 1990)

Section 2630.103 Matching Funds (Repealed)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- a) Grantees are required to match JTPA grant funds with existing non-Federal resources. Matching funds for programs under Title III of the Act may include, but are not limited to: State-paid unemployment insurance payments to participants; State and local support of community colleges; donated and in-kind services; and expenditures on behalf of on-the-job training programs. Grantees are required to match grant funds as delineated in the grant.
- b) Title II funds shall be matched in accordance with guidelines to be published at a later date.

(Source: Repealed at 14 Ill. Reg. 13984, effective August 20, 1990)

1) The Heading of the Part: Administration of the Illinois Public Community College Act

2) Code Citation: 23 Ill. Adm. Code 1501

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
1501.501	amendment
1501.516	amendment
1501.601	amendment
1501.602	amendment
1501.603	amendment
1501.604	amendment
1501.605	amendment
1501.608	amendment
1501.610	new section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, pars. 102-4, 102-12(c), and 105-1 through 105-12

5) Effective Date of Amendments: August 20, 1990

6) Does this Rulemaking contain an Automatic Repeal Date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: August 20, 1990

9) Notice of Proposal Published in Illinois Register?

March 9, 1990 14 Ill. Reg. 3308

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Changes were made dealing with approval for repair and renovation projects, capital project credits, criteria for changing project budget/scope, and the use of ICCB forms.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Rules relating to capital projects have not been revised substantially for several years. The proposed amendments to the capital project rules update provisions for the type of capital projects currently being pursued within the community college system. While new main campus construction projects still are requested, major capital activities recently have focused on remodeling existing space and establishing permanent extension sites throughout the district. The rules have been modified to address this trend.

In addition, the proposed rules include provisions to exclude certain capital projects from ICCB approval. Other changes require a formalized long-range district site and construction plan; clarify projects eligible as protection, health, and safety projects; modify the process for locally funded capital project approval; and significantly modify the organization of the rules.

16) Information and questions regarding these adopted amendments shall be directed to:

David L. Steelman
Associate Director
Governmental Relations
Illinois Community College Board
509 South Sixth Street, Room 400
Springfield, Illinois 62701-1874
Telephone: (217) 785-0028

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section	New
1501.101	Definition of Terms
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of ICCB (Recodified)
1501.109	Appearance at ICCB Meetings
1501.110	Appeal Procedure
1501.111	Reporting Requirements
1501.112	Certification of Organization
1501.113	Administration of Mandatory and Voluntary Annexations and District Formations

SUBPART B: RECOGNITION

Section
1501.201
1501.202
1501.203
1501.204
1501.205

SUBPART C: PROGRAMS

Section
1501.301
1501.302
1501.303
1501.304
1501.305
1501.306
1501.307
1501.308
1501.309

SUBPART D: STUDENTS

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Section
1501.401
1501.402
1501.403
1501.404
1501.405
1501.406

SUBPART E: FINANCE

Section
1501.501
1501.502
1501.503
1501.504
1501.505
1501.506
1501.507
1501.508
1501.509
1501.510
1501.511
1501.514
1501.515
1501.516
1501.517

SUBPART F: CAPITAL PROJECTS

Section
1501.601
1501.602
1501.603
1501.604
1501.605
1501.606
1501.607
1501.608
1501.609
1501.610

SUBPART G: STATE COMMUNITY COLLEGE

Section
1501.701
1501.702
1501.703
1501.704
1501.705

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

1501.706 Personnel
1501.707 Facilities

SUBPART H: PERSONNEL

Section
1501.801 Definition of Terms
1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Article II and Section 3-20.3.01 of the Public Community College Act (Ill. Rev. Stat. 1989, ch. 122, pars. 102-1 et seq. and 102-2.3.01)

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 reclassified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990.

SUBPART E: FINANCE

Section 1501.501 Definition of Terms

Advanced Technology Equipment Grant. The Advanced Technology Equipment Grant provides state funds to Illinois public community colleges for the procurement of equipment necessary to upgrade curricula impacted by technological changes. (See Section 2-16 of the Act).

Annual Financial Statement. The "annual financial statement," which is required to be published by a district, consists of two parts:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

an annual financial report, which includes a statement of revenues and expenditures along with other basic financial data; and
an annual program report, which provides a narrative description of programs offered, goals of the district, and student and staff data.

Attendance at Mid-Term. A student is "in attendance at mid-term" in a course if the student is currently enrolled in and actively pursuing completion of the course.

Auditor. An auditor is a person who enrolls in a class without intent to obtain academic credit and whose status as an auditor is declared by the student, approved by college officials, and identified on college records prior to the end-of-registration date of the college for that particular term.

Business Assistance Centers and Economic Development Offices. Business assistance centers and economic development offices are entities at community colleges that conduct, coordinate, and assist with economic development activities.

Economic Development Activities. Economic development activities create or retain jobs and increase employment opportunities.

Economic Development Grants. Economic Development Grants provide funds for conducting economic development activities.

Repair and Renovation Grants. Repair and renovation grants are state grants allocated ~~appropriated~~ ~~to the ICCC~~ ~~and distributed~~ proportionally to each community college district based on the latest fall on-campus non-residential gross square feet of facilities as certified by the ICCB. Such grants are to be utilized for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair, and installation of capital facilities; cost of planning, supplies, equipment, materials, and services; and all other expenses required to complete the work.

Resident of a District. For purposes of ICCB grants only, a "resident of a district" is a student who meets the following criteria:

If unemancipated, at least one parent, step-parent, or court-appointed guardian of the student shall reside in the district.

If emancipated, the student shall have lived in the district, in some capacity other than as a student at a post-secondary education institution or a resident of a state or federal correctional institution, for a period of at least thirty (30) days prior to enrolling at the community college, unless evidence is presented that the student has permanently relocated for

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

purposes other than attending school. Evidence of district residency shall be based on ownership and/or occupancy of a dwelling in the district and at least one of the following:

An Illinois driver's license.

An Illinois automobile license registration.

An Illinois voter's registration card.

A document showing the student's past or existing status as a district student, e.g., a high school transcript.

Other non-self-serving documentation.

Resident of Illinois. For purposes of payment of ICCB grants, a "resident of Illinois" is a person who meets the following criteria: If unemancipated, at least one parent, step-parent, or court-appointed guardian of the student shall reside in Illinois. If emancipated, the student shall be a legal resident of the State of Illinois and have lived in Illinois, in some capacity other than as a student at a post-secondary education institution, for a period of at least thirty (30) days prior to enrolling at the community college, unless evidence is presented that the student has permanently relocated for purposes other than attending school. Evidence of legal residency shall be based on ownership and/or occupancy of a home in the State of Illinois and one of the following:

An Illinois driver's license.

An Illinois automobile license registration.

An Illinois voter's registration card.

Employment in the State of Illinois.

Payment of Illinois income tax.

A document showing the student's past or existing status as an Illinois student, e.g., a high school record.

Other non-self-serving documentation.

Special Populations Grant. A "special populations grant" provides funding for:

Special or extra services to assist special populations students to initiate, continue, or resume their education, including tutoring, educational and career counseling, referrals to external agencies, and testing/evaluation to determine courses or services needed by a special populations student.

Courses (not funded through credit hour grants) to provide the academic skills necessary to remedy or correct educational deficiencies to allow the attainment of educational goals, including remedial, adult basic education, adult secondary education, and English as a Second Language courses.

Special Populations Student. A "special populations student" is a student with a social, physical, developmental, or academic disability that makes it difficult for such a student to adapt to a college environment designed for the non-special populations student. This

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

may include students from minority racial/ethnic groups. Colleges shall designate which of their students are special populations as determined by teacher and counselor evaluations and various standardized tests selected by the colleges. Repair and Renovation Grants. Repair and renovation grants are state

(Source: Amended at 14 Ill. Reg. 13997, effective August 20, 1990)

Section 1501.516 Repair and Renovation Grants

- a) Districts may shall apply annually submit to the ICCB for approval of repair and renovation grant projects. Requests for ICCB approval of repair renovation grant projects shall be submitted using forms prescribed by the ICCB. by August 17 plans for the use of repair and renovation grants prior to their expenditure. The plan shall include a description of what project is being proposed, why it is being proposed, and what facilities are affected, the scheduled beginning and completion date for the project, an indication of which work will be contracted and of which work will be completed by college personnel, and a detailed budget for the project, including sources of revenue other than repair and renovation grants. ICCB approval of the plan is required. Approval will be based on an evaluation of whether all projects fall within the scope of the definition of repair and renovation grants in accordance with Section 1501.501. Expenditures of funds from this grant are limited to repair and renovation projects that are within the scope of the definition of repair and renovation grants contained in Section 1501.501 a part of an approved plan.
- b) Funds received from this grant shall be accounted for in the Operations, Building and Maintenance Fund (Restricted) (see Section 1501.511(a)(7) 1501.511(f)(8)).
- c) Other sources of funding may be added to repair and renovation grant funds to finance larger projects.
- d) Projects shall be designed and constructed to meet all applicable facilities codes as specified in Section 1501.603(f) 1501.603(f)(4).
- e) Authority to approve repair and renovation grant projects is delegated to the ICCB or its Executive Director.
- f) A report shall be submitted by August 1, specifying the projects completed and their final cost.
- g) Repair and Renovation Grant Funds determined not to be expended in accordance with this Section shall be returned to the ICCB within six months after receipt by the ICCB of the external audit.

(Source: Amended at 14 Ill. Reg. 13997, effective August 20, 1990)

SUBPART F: CAPITAL PROJECTS

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Section 1501.601 Definition of Terms

Alter. To remodel or modify a facility, without changing its original purpose or adding to its total dimensions, that would have been constructed differently had existing handicapped accessibility, energy conservation, or environmental protection laws, codes, or standards (as specified in Section 1501.603(f)(2) 1501-603(d)) been in effect at the time of construction.

Building Efficiency. "Building efficiency" is the ratio of the total net assignable square feet (NASF) of a building, which includes the interior of classrooms, class laboratories, offices, study areas, libraries, special or general use areas, and supporting areas for each of these space types, to the total gross square feet (GSF) of a building, which includes circulation areas, custodial areas, mechanical areas and structural areas plus the NASF as defined above.

Campus-Facilities-Master-Plan---A "campus-facilities-master-plan" is a drawing of the campus showing existing facilities, proposed facilities, and a brief description of the buildings and their major uses.

Capital Project Design Phase. The design phase of a capital project includes development of detailed architectural plans, specifications, and cost estimates.

Capital Project Needs Assessment. Capital project needs assessment is the initial conceptualization and justification of the scope of the project.

Credits. "Credits" are capital project local contribution allowances certified by the ICCB at its Board meeting on September 18, 1987. funds appropriated by the state for that portion of a broader state-funded project for which local funds have been expended.

Facility. Any physical structure or entity that is necessary for the delivery of the district's programs and related services.

Hazard. A hazard is a risk or peril resulting from unsanitary conditions, deficiencies in codes specified in Section 1501.603(f)(2), conditions increasing the risk of fire, or conditions otherwise endangering human life to a degree greater than normal.

Licensed Architect or Engineer. An architect or engineer licensed by or registered with the Illinois Department Professional Regulation of Registration and Education.

Locally Funded. A "locally-funded" project is a capital project which has been funded totally from local district bond issues, local

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

district operating funds, federal grants, foundation or other grants, gifts, student fees, or any source which was not non-state-appropriated source.

Maintenance Project. A maintenance project is one which keeps a facility or asset in efficient operating condition, preserves the condition of the property, or restores property to a sound state after prolonged use.

Primary Site. A primary site includes any site designated as a college or branch in accordance with Section 1501.305.

Reimbursements---"Reimbursements" are funds appropriated by the state for the purpose of paying the state's share of previously-built locally-financed construction projects approved by the ICCB.

Repair. To rehabilitate or return a facility to its original condition after damage or deterioration, without changing its original purpose or adding to its total dimensions, when the condition of the facility poses a hazard to individuals or threatens the structural integrity of the facility.

Scope. "Scope" is a term relating to the parameters of the project, primarily the physical dimensions of the project and the function of space included therein.

Secondary Site. A secondary site is any location where the district maintains a permanent presence, but does not meet the criteria of a primary site.

State-Funded. A "state-funded" project is a capital project which has been partially or fully funded with a state appropriation.

Structural Defect/Deficiency Project. A "structural defect/deficiency" project is a capital project which has a defect or deficiency directly attributable to inadequate design or construction, or defective construction materials.

(Source: Amended at 14 Ill. Reg. 13997, effective August 20, 1990)

Section 1501.602 Approval of Capital Projects

a) Notwithstanding any provision to the contrary (see subsection (b) and Section 1501.604(b)), requests for approval of capital projects shall be submitted to the ICCB on the forms prescribed by the ICCB.

b) A project requiring the expenditure of state or local funds for purchase, construction, remodeling, or rehabilitation of physical facilities at a primary or secondary site, both on-campus and at

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

extension---centers shall have prior ICCB approval except the following:

- 1) locally-funded projects that meet the definition of a maintenance project as defined in Section 1501.601, or
- 2) locally funded projects that result in no change in room use, or
- 3) locally funded projects for which the total estimated cost is less than \$25,000 no-future-state-funding-is-requested.

c) A District Site and Construction Master Plan shall be filed with the ICCB by January 1, 1991. The purpose of the plan is to apprise the ICCB of possible primary site new construction and secondary site acquisition/construction plans for the next three years throughout the district. The plan should be updated, as needed, to ensure that any project submitted for approval has been reflected in the district plan on file with the ICCB at least two months prior to submission of the project. Any primary site new construction or secondary site acquisition/construction projects must be reflected in the plan in order to receive consideration for approval. The plan, at a minimum, shall consist of a map of the district showing the location of all facilities owned by the district or leased for a period exceeding five years and a narrative describing the district's:

- 1) Current permanent facilities where additions are planned.
- 2) General plans for future site acquisition or acquisition/construction of permanent facilities either on the primary site or secondary sites. The location may be identified in terms of the general geographic area within the district.
- 3) Proposed schedule for acquiring additional sites, constructing additions to existing facilities, or acquiring/constructing new permanent facilities.
- 4) The intended use of all proposed site acquisitions and facility acquisition/construction.
- d) The authority to approve such locally funded projects is delegated to the Executive Director of the ICCB, who shall in turn report such actions to the ICCB.

(Source: Amended at 14 Ill. Reg. 13997, effective August 20, 1990)

Section 1501.603 State Funded Capital Projects

- a) Projects Eligible to Receive State Funds. State funds may be requested for the capital projects, both those to be purchased and those to be constructed, as defined herein. The funds shall may be requested prior or---subsequent to construction and may include or consist of architectural and engineering fees associated with the project. Projects--for-which--funding--is--requested--subsequent-to completion--(reimbursements-or-credits)--shall-have-had-prior--ICCB--and Illinois--Board--of--Higher--Education--approval--and--shall-have-been administered-by-the-Capital-Development-Board. Such projects shall consist of:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Buildings, Additions, and/or Structures (including fixed equipment). Types of buildings that may be included are:
A) Administration and student personnel services facilities.
B) Central utility facilities.

- C) Classrooms.
- D) Fine and applied arts classrooms and laboratories.
- E) Libraries.
- F) Occupational, technical, and semi-technical laboratories, shops, and classrooms.
- G) Other structures used for the operation and maintenance of the campus.

- H) Physical education instructional facilities.
- I) Science laboratories and related science facilities.
- J) Student areas appropriate to the needs of a commuter institution, including food services, lounge areas, study areas, storage lockers, child care facilities, and facilities for student activities such as newspaper editing and student government.

- 2) Land.
- 3) Movable Equipment.
- 4) Utilities (those beyond a five foot perimeter of buildings).
- 5) Remodeling or Rehabilitation of Existing Facilities. Such projects include provision for:
A) Access for handicapped students.
B) Emergency repairs (including construction defects/deficiencies).

- C) Energy conservation.
- D) Programmatic changes.
- 6) Site Improvements.
A) Clearance.
B) Drainage.

- C) Earth movement.
- D) Finish grading, seeding, landscaping.
- E) Other work required to make land usable as a building site.
- F) Parking.
- G) Streets and walkways.

- 7) Planning. A building project may be divided into sub-projects with planning funds (architect or engineering fees) requested for one fiscal year and construction funds requested in a subsequent year.

b) Application Criteria for New Construction Projects at the Primary Site Project-Selection-Criteria. In order for capital projects for new construction to be considered for state funding, the following requirements shall be met:

- 1) The information required under Section 1501.510(a) shall have been submitted.
- 2) Each district shall have a campus-facilities-master-plan-on-file with-the-ICCB.---New-or-revised-master-plans-shall-be-submitted when-new-construction-which-changes-the-previous-master-plan-on-

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

~~file with the ICCB, is planned or requested--The master plan for each college shall be approved by the local Board prior to submission to the ICCB.~~

- 2)3) Certification of local board approval of the project(s) requested shall be provided.
- 3)4) Certification shall be provided that funds or credits are available to provide the local share of the cost of the project(s) in accordance with Articles IIIA and V of the Act.
- 4)5) Certification shall be provided that a suitable construction site is available. Suitability is determined through a site feasibility study and a Capital Development Board technical evaluation. The feasibility study shall address, at a minimum, the following:

- A) The location of the site in relation to geography and population of the entire district and in relation to sites of the district's other colleges.
- B) The impact on the surrounding environment, including the effect of increased traffic flow.
- C) Accessibility to the site by existing and planned highways and/or streets.
- D) Cost of development of the site in relation to topography, soil condition, and utilities.
- E) Size of the proposed site in relation to projected student population (as determined by census data) and land cost.
- F) The number, location, and characteristics (type of terrain, geography, roadway access, and suitability of the site for building purposes) of alternative sites considered.
- G) The location of the site in relation to existing institutions of higher education.

- 5)6) Requests for site acquisition shall include a local Board of Trustees authorization to purchase the site, a copy of the feasibility study, a local Board of Trustees resolution that local funds are available, a copy of the Capital Development Board evaluation, three appraisals of the property, and a written request for ICCB approval in addition to the information requested in the Resource Allocation and Management Plan/Community Colleges (RAMP/CC).

- 6)7) Evidence of need for the space requested shall be provided either on a general enrollment basis as specified in Section 1501.603(e)(4)(C) 1501-603(e)(4)(C) or a specific program need basis as specified in Section 1501.603(e)(4)(D) 1501-603(e)(4)(D).

- 7)8) The project shall be within the mission of a community college as set forth in Section 10-1-2(e) of the Act.

- (c) Application Criteria for Remodeling and Rehabilitation Projects. Projects to remodel and rehabilitate a facility shall require submittal of the following:

- 1) An application on forms prescribed by the ICCB.
- 2) Certification of local board approval of the project(s)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

requested.

- 3) Certification that funds or credits are available to provide the local share of the project(s) in accordance with Articles IIA and V of the Act.

- 4) A summary detailing the effects of the remodeling on space usage (classrooms, laboratories, offices...).

- 5) A justification statement regarding the need to remodel.

- d) Application Criteria for Secondary Site Projects. Projects for the acquisition/construction of a new site and/or structure for purposes other than a primary site facility and projects for acquisition of sites and/or structures adjacent to the primary site shall require submittal of the following:

- 1) A resolution by the local board of trustees stating that:

- A) Local funds or credits are available to provide the local share of the project(s) in accordance with Articles IIA and V of the Act.

- B) The programs offered have been approved by the ICCB and Illinois Board of Higher Education (IBHE) or approval of these stated programs by those boards is pending.

- 2) Copies of at least two appraisals of the property.

- 3) Verification that the condition of the facility is not a threat to public safety. This shall include tests of structural integrity, asbestos, toxic materials, underground storage tanks, and other hazardous conditions. (Findings regarding the existence of these hazards shall not preclude the procurement of the site/structure but the knowledge of the hazardous condition and any costs incurred in correcting the condition shall be incorporated into the total cost of procuring the facility.)

- 4) Identification of the location of the site and its relationship to the main campus, community college facilities in contiguous districts, and other higher education facilities in contiguous districts.

- 5) Identification of all estimated costs associated with the purchase and any subsequent construction and/or rehabilitation of the site/structure.

- e) Project Priority Criteria. Capital project priorities will be established within the categories named in Section 1501.603(a) according to the following criteria:

- 1) Land. Requests for state funding for land will be assigned a priority based on the extent to which the state has participated financially in acquiring the following acreage:

- A) Up to 1,500 full-time equivalent on-campus day students in the fall term allows eligibility for reimbursement-for-the cost of 100 acres.

- B) Between 1,500 and 3,000 full-time equivalent on-campus day students in the fall term allows eligibility for reimbursement-for-the cost of 150 acres.

- C) More than 3,000 full-time equivalent on-campus day students in the fall term allows eligibility for reimbursement-for

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

the-cost-of 250 acres.

The lower the amount of state financial participation already provided, the higher the priority of the project.

- 2) Site Improvements. Requests for state funding for parking areas will be assigned a priority based on the extent to which the state has previously participated financially in spaces for 80 percent of full-time equivalent faculty and staff and spaces for the following percentages of students:

A) When public transportation serves the college at least every two (2) hours during the day, twenty (20) percent of the fall term day or evening headcount enrollment.

B) When public transportation serves the college less frequently, fifty (50) percent of the fall term day or evening headcount enrollment.

C) When no public transportation is available, sixty-five (65) percent of the fall term day or evening headcount enrollment.

The lower the amount of state financial participation already provided, the higher the priority of the project.

- 3) Other site improvements will be assigned a priority in conjunction with the facilities to which they relate.

4) Buildings, additions, and/or structures (including qualifying fixed equipment and planning funds). Each of the following criteria will be considered in establishing priorities of buildings, additions, and/or structures:

A) Types of space to be constructed (in priority order):

- i) Instructional space including basic classrooms, laboratories and shops, and preparation and storage areas.
 - ii) Learning resource centers including libraries, audiovisual centers, and learning laboratories.
 - iii) Administrative and counseling offices.
 - iv) Student center, including food service area, lounge area, study area, storage lockers, child care facilities, and facilities for student activities such as newspaper editing, student government, and other student organizations.
 - v) Physical education facilities, designed primarily for instructional use.
 - vi) Fine arts center, including rehearsal, practice, and studio facilities.
 - vii) Support facilities including maintenance shops, garages, warehouses and storage facilities.
 - viii) Theater and/or auditorium facilities.
 - ix) Physical education facilities, designed primarily for spectator or recreational use.
- B) Utilization of Existing Space. Priorities will be assigned so that the higher the weekly on-campus classroom and class laboratory hours of utilization for credit and non-credit

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

courses offered by the college, the higher the priority assigned to a requested project.

- C) Requests for space will be assigned priorities so that the less existing permanent space per student a facility has, the higher the priority of the project. For facilities other than occupational program instructional shops, the following amounts of space are considered to be sufficient: for the first 1,500 on-campus full-time equivalent day student, 110 gross square feet (GSF) per on-campus full-time equivalent day student; for the next 1,500 on-campus full-time equivalent day students, 100 GSF per on-campus full-time equivalent day student; for each additional on-campus full-time equivalent day student, 90 GSF per on-campus full-time equivalent day student. For occupational program instructional shops, 140 GSF per on-campus full-time equivalent day student enrollment in courses using such shops will be considered sufficient space.

D) Program Considerations. Consideration will be given to the need for special facilities based on the programs to be housed in the requested facilities. Priorities will be assigned so that the greater the need for special facilities the higher the priority. Criteria for need will be:

- i) Labor market demand for graduates of the programs (as indicated by current manpower data).
- ii) Unavailability of special facilities needed for the program.
- iii) Other special needs as described in the program justification statement submitted by the college with the project request.

5) Remodeling or Rehabilitation of Existing Facilities. The following criteria will establish the order of remodeling/rehabilitation projects (in priority order):

- A) Those projects which will reduce physical health and safety hazards to the general student body and staff (e.g., structural defects/deficiencies).
 - B) Those projects which will reduce physical health and safety hazards to a limited number of students and/or staff (e.g., handicapped modifications).
 - C) Those projects which will result in financial and/or natural resource savings (e.g., energy conservation).
 - D) Those projects which will result in the development of more efficient utilization of existing space.
- 6) Movable Equipment. Equipment priorities will be the same as those of the projects to which the equipment relates.
- 7) Utilities. Utilities will be assigned priorities which are the same as those of the projects to which they relate.
- 8) Additional consideration may be given to the priority ranking of a project if it had previous ICCB approval for planning or

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

construction. Projects which were funded initially through local sources and which seek state reimbursement for a portion of these expenditures will be ranked below projects seeking state funding prior to construction.

f) Construction Standards. The following standards shall be applied in the design and construction of facilities:

- 1) Building Efficiency. Campus-wide building efficiency should be at least 70 percent. However, individual buildings may be below this level if they are high-rise (four or more floors), include a large number of small classrooms and/or labs, or if a large portion of the building is designed for custodial or mechanical purposes to serve the entire campus.
- 2) Facilities Codes. All construction, remodeling, and rehabilitation of facilities shall be in compliance with the following standards:
 - A) Uniform Building Code (International Conference of Building Officials, Whittier, California, 1988 1976) or BOCA Basic/National Building Code, 1987 1984 Edition (Building Officials and Code Administrators International, Inc., Country Club Hills, Illinois).
 - B) BOCA Basic/National Mechanical Code, 1987 1984 Edition (Building Officials and Code Administrators International, Inc., Country Club Hills, Illinois).
 - C) National Electrical Code (National Fire Protection Association, Quincy, Massachusetts, 1988 1977).
 - D) Illinois Plumbing Code (77 Ill. Adm. Code 890).
 - E) Illinois Accessibility Code Standards illustrated (71 Ill. Adm. Code 400).
 - F) Fire Prevention and Safety (41 Ill. Adm. Code 100).

G) National Fire Protection Association 101 Life Safety Code (National Fire Protection Association, Quincy, Massachusetts, 1988 1977).

H) ASHRAE 90-80 75 Energy Conservation in New Building Design (American Society of Heating, Refrigeration, Air Conditioning Engineers, Atlanta, Georgia, 1980 1975).

I) Any local building codes that may be more restrictive than the codes listed above.

(Source: Amended at 14 Ill. Reg. 13997, effective August 20, 1990)

Section 1501.604 Locally Funded Capital Projects

- a) All locally funded capital projects shall meet the same requirements as those listed in Section 1501.603(b) for state-financed projects with the exception of an evaluation by the Capital Development Board and meet the same codes or standards listed in Section 1501.603(f)(2) 1501.603(d)(4)(3). Projects meeting all criteria listed will be approved by the IECB.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- b) Requests for IECB approval of locally funded capital projects shall be submitted using forms prescribed by the IECB. All locally funded capital projects shall receive prior IECB approval except those meeting any one of the following criteria:
 - 1) A project which meets the definition of a maintenance project as specified in Section 1501.601.
 - 2) A project which does not create a change in room use.
 - 3) A project which is less than \$25,000 regardless of the work being performed.

c) Requests for IECB approval of locally funded capital projects shall be submitted to the IECB according to the following criteria:

- 1) All capital projects other than those excluded in Section 1501.604(b) require IECB approval during the design phase of the project.
- 2) Capital projects estimated to cost in excess of \$2.5 million shall be reported to the IECB following a project needs assessment.
- 3) The final budget and scope of the project shall be reported to the IECB after bids are received but before contracts are awarded. If the budget or scope exceeds that approved by the IECB, the project shall be resubmitted for approval.

d) Application Criteria for New Construction Projects at the Primary Site. Applications for new construction projects submitted to the IECB for approval shall be on forms prescribed by the IECB and shall have attached to them the following:

- 1) A copy of the resolution or motion passed by the local Board of Trustees approving the budget and scope of the project.
- 2) A statement identifying the source of local funds for the project.
- 3) A statement as to whether or not future state reimbursement or credit will be requested.
- 4) A campus facilities master plan, if revised, showing the location of the proposed project.
- 5) For primary sites, certification shall be provided that a suitable construction site is available. Suitability is determined through a site feasibility study. The feasibility study shall address, at a minimum, the following:
 - A) The location of the site in relation to geography and population of the entire district and its relation to sites of the district's other colleges, community college facilities in other contiguous districts, and other higher education facilities in contiguous districts.
 - B) The impact on the surrounding environment, including the effect of increased traffic flow.
 - C) Accessibility to the site by existing and planned highways and/or streets.
 - D) Cost of development of the site in relation to topography, soil condition, and utilities.
 - E) Size of the proposed site in relation to projected student

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

population (as determined by census data) and land cost.
 F) The number, location, and characteristics (types of terrain, geography, roadway access, and suitability of the site for building purposes) of alternative sites considered.

4) Requests for primary site acquisition shall include three appraisals of the property.

5) Evidence of need for the space requested shall be provided either on a general enrollment basis as specified in Section 1501.603(e)(4)(C) or a specific program need basis as specified in Section 1501.603(e)(4)(D).

6) The project shall be within the mission of a community college as set forth in Section 1-2(e) of the Act.

e) Application Criteria for Projects Funded in Accordance with Section 3-37 of the Act. In addition to the above, applications for projects proposed for funding in accordance with Section 3-37 of the Act must include:

1) A copy of the proposed lease agreement showing that income is sufficient to pay the costs of constructing or acquiring and operating and maintaining the facility for the life of the installment loan arrangement entered into by the college.

2) A copy of the loan arrangement entered into by the college showing the installment costs to be incurred by the college.

3) Any other agreement between the college and another group which commits funds toward the project by that group.

f) Application Criteria for Remodeling and Rehabilitation Projects. Projects to remodel and rehabilitate a facility shall require submittal of the following:

1) A copy of the resolution or motion passed by the local board of trustees approving the budget and scope of the project.

2) A statement identifying the source of local funds for the project.

3) A summary detailing the effects of the remodeling on space usage (classrooms, laboratories, offices...).

4) A justification statement regarding the need to remodel.

g) Application Criteria for Secondary Site Projects. Projects for the acquisition/construction of a new site and/or structure for purposes other than a primary site facility and projects for acquisition of sites and/or structures adjacent to the primary site shall require submittal of the following:

1) A resolution by the local board of trustees stating that:

A) Funds are available to procure the site.

B) The programs offered have been approved by the ICCB and IBHP or approval of these stated programs by those boards is pending.

2) Copies of at least two appraisals of the property.

3) Verification that the condition of the facility is not a threat to public safety. This shall include tests of structural integrity, asbestos, toxic materials, underground storage tanks, and other hazardous conditions. (Findings regarding the

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

existence of these hazards shall not preclude the procurement of the site/structure but the knowledge of the hazardous condition and any costs incurred in correcting the condition shall be incorporated into the total cost of procuring the facility.)

4) Identification of the location of the site and its relationship to the main campus, community college facilities in other contiguous districts, and other higher education facilities in contiguous districts.

5) Identification of all estimated costs associated with the purchase and any subsequent construction and/or rehabilitation of the site/structure.

b) Construction projects for use by the college which are financed in whole or in part by college foundations are to be submitted for ICCB approval as locally funded projects.

i) The college shall not utilize local funds for capital projects relating to facilities not owned by the college and which are leased for a period of five years or less. If capital projects relating to facilities leased in excess of five years are considered, application must be made in the same manner as for other locally funded projects.

(Source: Amended at 14 Ill. Reg. 13997, effective August 20, 1990)

Section 1501.605 Project Changes

a) Changes in budget and/or scope to approved construction projects shall be submitted to the ICCB for approval according to the following Criteria:

a) Changes in budget/scope totaling five percent or less of the approved project budget/scope shall be reconciled at the completion of the project and submitted to the ICCB for information purposes.

b) When changes in the project budget/scope have reached five percent, any subsequent change modifying the budget/scope of the project shall require approval by the ICCB Executive Director. Prior to expenditure of funds on the additional work, the criteria which the ICCB Executive Director will use for approving changes in the project budget/scope will be the same as are listed in Sections 1501.603 and 1501.604 above.

b) Limited Changes: The Executive Director shall have the authority to approve changes in projects previously approved by the ICCB as follows:

1) Increases which amount to no more than five percent or \$100,000--total, whichever is less, of the previously approved budget.

2) Changes which amount to no more than five percent of the previously approved scope of the project.

3) Construction change orders which may contribute to an increase of no more than five percent in construction project budgets or \$100,000--total, whichever is less.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 14 Ill. Reg. 13997, effective August 20, 1990)

Section 1501.608 Approval of Projects in Section 3-20.3.01 of the Act

Projects proposed for construction under the provisions of Section 3-20.3.01 (Ill.-Rev.-Stat.-1984-Supp.-ch.-122-par.-103-20-3-01) of the Act shall meet the criteria listed below. ~~Projects that meet all criteria will be approved by the ICCB or Executive Director.~~

- a) Each proposed project shall meet the definition of "alter" or "repair" in Section 1501.601.
- b) Each proposed project shall meet the definition of "facility" in Section 1501.601 and be owned by the district or leased for more than five years with a stated intent to acquire and where the district has assumed the obligation to make alterations or repairs.
- c) Each proposed project shall not be considered a maintenance project.
- d) Projects to repair facilities shall be for the purpose of correcting a hazard.

e) Each proposed project shall be one which is estimated by a licensed architect or engineer to cost \$25,000 or more, and if financed through bonds in accordance with Section IIIA of the Act, is estimated by a licensed or registered architect or engineer to cost no more than \$1,500,000. A project may have several component parts if these components clearly relate to the same objective.

f) Each proposed project shall be certified or ordered on or after September 17, 1984, and shall have prior approval of the ICCB or its Executive Director.

g) Each proposed energy conservation project shall provide an estimated "pay back" of eight years or less as certified by a licensed architect or engineer.

h) Each project shall meet the codes specified in Section 1501.603(f)(2) 1501-603(f)(2).

i) An application for each proposed project shall be submitted to the ICCB for approval on forms prescribed provided by the ICCB and shall include all of the following:

- 1) A certified copy of a lawful order of any federal, state, county, or municipal agency having authority in statute or ordinance to regulate the protection, health, or safety of individuals as such relate to community college facilities; a licensed architect or engineer's certification that the present condition of the facility poses a threat to the structural integrity of the facility; or a copy of the resolution which determined that the condition of facilities poses a hazard to individuals indicating that the local Board of Trustees has determined that the proposed project is necessary for energy conservation, health or safety, environmental protection, or handicapped accessibility purposes.

- 2) A copy of a statement that, in the judgment of the local Board

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

of trustees, there are not sufficient funds available in the Operations, Building and Maintenance Fund of the district to fund the project;

- 3) A certified copy of a licensed architect or engineer's estimated budget of the cost and scope of the project.

- 4) A copy of the local board of trustees action authorizing the project.

(Source: Amended at 14 Ill. Reg. 13997, effective August 20, 1990)

Section 1501.610 Demolition of Facilities

A district may demolish a facility owned by the district. The ICCB shall be notified upon demolition of the facility.

(Source: Added at 14 Ill. Reg. 13997, effective August 20, 1990)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED REPEALER

1) Heading of Part: Low-Income Housing Tax Credit Allocation

2) Code Citation: 47 Ill. Adm. Code 350

3) Section Numbers: Adopted Action:

350.101	Repeal
350.102	Repeal
350.103	Repeal
350.104	Repeal
350.201	Repeal
350.202	Repeal
350.203	Repeal
350.204	Repeal
350.205	Repeal
350.206	Repeal
350.207	Repeal
350.208	Repeal
350.209	Repeal

4) Statutory Authority: Sections 7.24(g), 7.19 and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1989, ch. 67 1/2, pars. 307.24(g), 307.19 and 307.25.

5) Effective Date of Repealer: August 16, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does the repealer contain incorporation by reference? No

8) Date Filed in Agency's Principal Office: March 16, 1990

9) Notice of Proposal Published in Illinois Register: 14 Ill. Reg. 5651 April 20, 1990

10) Has JCAR issued a Statement of Objections to this repealer? No

11) Difference between proposal and final version: There are no differences between the proposed and final version of this rulemaking.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Because JCAR had no changes to this repealer, no agreement letter was issued.

13) Will this repealer replace an Emergency Rule currently in effect? Yes

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED REPEALER

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: This rulemaking repeals the Part for allocating low-income housing tax credit dollars.

16) Information and questions regarding this adopted rule shall be directed to:

Name: Diane Corbett
Address: 401 N. Michigan Ave., Suite 900
Telephone: (312) 836-5333

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

1) Heading of Part: Low-Income Housing Tax Credit Allocation

2) Code citation: 47 Ill. Adm. Code 350

<u>Section Numbers:</u>	<u>Adopted Action:</u>
350.101	New Section
350.102	New Section
350.103	New Section
350.104	New Section
350.201	New Section
350.202	New Section
350.203	New Section
350.204	New Section
350.205	New Section
350.206	New Section
350.207	New Section
350.208	New Section
350.209	New Section
350.210	New Section
350.211	New Section
350.212	New Section

4) Statutory Authority: Sections 7.24(g), 7.19 and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1989, ch. 67 1/2, pars. 307.24(g), 307.19 and 307.25).

5) Effective Date of Rules: August 16, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporation by reference? No

8) Date Filed in Agency's Principal Office: March 16, 1990

9) Notice of Proposal Published in Illinois Register: 14 Ill. Reg. 5653 April 20, 1990

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: Based upon comments from the Joint Committee on Administrative Rules and the Secretary of State's Administrative Code Unit, changes were made to the proposed rules. These changes were of style and not substance.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s): This rulemaking establishes the procedures for allocating low-income housing tax credit dollars.

16) Information and questions regarding this adopted rule shall be directed to:

Name: Diane K. Corbett
Address: 401 N. Michigan Ave., Suite 900
Telephone: (312) 836-5333

17) The full text of the Adopted Rules begin on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITYPART 350
LOW-INCOME HOUSING TAX CREDIT ALLOCATION

SUBPART A: GENERAL RULES

Section
350.101
350.102
350.103
350.104

Purpose and Objectives
Definitions
Compliance with Federal Law
Severability

SUBPART B: LOW-INCOME HOUSING TAX CREDIT ALLOCATIONS

Section
350.201
350.202
350.203
350.204
350.205
350.206
350.207
350.208
350.209
350.210
350.211
350.212

Tax Credit Issuing Authority
Allocation Pursuant to Qualified Allocation Plan
Application Process
Notice of Application
Authority Review
Allocation Amount - Project Feasibility
Approval or Rejection
Extended Low-Income Housing Commitment
Project Certification
Housing Tax Credit Dollars Allocation
Reservation of Housing Tax Credit Dollars for Period
Other Than Current Calendar Year
Revocation of Reservations

AUTHORITY: Sections 7.24(g), 7.19 and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1989, ch. 67 1/2, pars. 307.24(g), 307.19 and 307.25).

SOURCE: Emergency rules adopted at 11 Ill. Reg. 6553, effective March 30, 1987, for a maximum of 150 days; emergency expired August 27, 1987; adopted at 11 Ill. Reg. 19271, effective November 17, 1987; amended at 13 Ill. Reg. 5947, effective April 18, 1989; Part repealed, new Part adopted by emergency action at 14 Ill. Reg. 5827, effective March 19, 1990, for a maximum of 150 days; emergency expired August 16, 1990; Part repealed, new Part adopted at 14 Ill. Reg. 14021, effective August 16, 1990.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

SUBPART A: GENERAL RULES

Section 350.101 Purpose and Objectives

This Part is being established to set forth the standards for the allocation of housing tax credit dollars by the Illinois Housing Development Authority as State Housing Credit Agency for the State pursuant to Section 307.24 of the Act, as defined below, and Section 42 of the Internal Revenue Code (26 U.S.C., Section 42) for the acquisition, construction and rehabilitation of low-income housing.

Section 350.102 Definitions

"Act": The Illinois Housing Development Act (Ill. Rev. Stat. 1989, ch. 67 1/2, Par. 301, et seq.).

"Applicable Fraction": The lower of the unit fraction or the floor space fraction. Unit fraction equals the number of low-income housing units divided by the total number of units in the Project, as hereinafter defined. Floor space fraction equals the square footage of the low-income housing units divided by the Project's total square footage.

"Authority": The Illinois Housing Development Authority.

"Compliance Period": The period in which the Project, as hereinafter defined, is obligated to provide low-income housing units pursuant to the requirements of the Internal Revenue Code, as hereinafter defined.

"Credit Period": The period of 10 taxable years beginning with the taxable year in which the building is placed in service or at the election of the Sponsor, as hereinafter defined, the succeeding taxable year.

"Governor": The Governor of the State of Illinois.

"Internal Revenue Code": The Internal Revenue Code of 1986 (26 U.S.C. Section 1 et seq.), and treasury regulations (26 CFR 1.42-1T-1.42-2, 1987, no subsequent dates or editions).

"Part": This Part 350.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

"Project": The real property, together with all improvements, buildings, equipment and personal property appurtenant thereto, which is the subject of an application for allocation of housing tax credit dollars.

"Qualified Allocation Plan": The qualified allocation plan required under Section 42 of the Internal Revenue Code.

"Sponsor": The entity receiving housing tax credit dollars pursuant to this Part.

"State": The State of Illinois.

"State Housing Credit Agency": The Illinois Housing Development Authority.

Section 350.103 Compliance with Federal Law

Notwithstanding anything herein to the contrary, this Part shall be construed in conformity and compliance with the Internal Revenue Code. To the extent that this Part conflicts with the Internal Revenue Code, the Internal Revenue Code shall control and prevail.

Section 350.104 Severability

If any clause, sentence, paragraph, subsection, Section, or Subpart of this Part be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection, Section, or Subpart thereof as to which such judgment is rendered.

SUBPART B: LOW-INCOME HOUSING TAX CREDIT ALLOCATIONS

Section 350.201 Tax Credit Issuing Authority

The amount of housing tax credit dollars to be allocated is based on the State's per capita allocation for places other than constitutional home rule units and amounts ceded by constitutional home rule units.

Section 350.202 Allocation Pursuant to Qualified Allocation Plan

The Authority shall not allocate any amount of housing tax credit dollars unless such amount was allocated pursuant to the Authority's Qualified Allocation Plan.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

Section 350.203 Application Process

Any Sponsor may apply for an allocation of housing tax credit dollars by submitting an application to the Authority on forms prescribed by the Authority setting forth the following information:

- a) The name and location of the proposed Project;
- b) The name, address and telephone number of the Sponsor, owner, attorney, architect, contractor and consultant;
- c) A history of the Sponsor's experience in developing housing, and low-income housing in particular;
- d) A complete description of the proposed Project, including but not limited to the number and type of units and a rent schedule and any tenant populations with special housing needs;
- e) A certification from the Sponsor certifying the amount of all Federal, State and local subsidies which apply, or which the Sponsor expects to apply, with respect to the building;
- f) Percentage of low-income units, as defined in Section 42 of the Internal Revenue Code (26 U.S.C. 42(i)(3)), and the methodology used in estimating this percentage;
- g) The estimated total cost of the proposed Project, including land acquisition, construction, architects' fees, attorneys' fees, title insurance and all other costs associated with the Project;
- h) The amount and status of the proposed financing for the Project, including evidence of a financing commitment from the source of financing;
- i) Dates of the Project's expected construction start, completion and placement into service;
- j) The amount of housing tax credit dollars requested;
- k) A certification from the Sponsor certifying to the Authority that all information contained in the application and accompanying information is true and accurate to the best of Sponsor's knowledge and that the Project will be placed in service;
- l) The Sponsor shall submit an application fee of \$500.00 with the application for housing tax credit dollars. Upon approval of the application for housing tax credit dollars, the Sponsor shall pay

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

a reservation fee of \$500.00 or 5.5% of the amount of the credit reservation, whichever is greater; and

- m) Any additional documentation of the information provided in the application which the staff of the Authority may require in order to confirm the information in the application, e.g., financing commitment, legal description of the Project, etc.

Section 350.204 Notice of Application

Notice of a complete application received by the Authority shall be sent to the chief executive officer (or the equivalent) of the local jurisdiction within which the Project is located. The official will have 10 days from the date of notification in which to comment on the Project.

Section 350.205 Authority Review

Upon receipt of a complete application for housing tax credit dollars, the Authority shall review the application and approve or reject it in whole or in part. In its review of an application, the Authority shall consider, but shall not be limited to considering, the following criteria:

- a) Section 42 Requirements. The ability of the Project to meet the requirements of Section 42 and other applicable sections of the Internal Revenue Code throughout the Compliance Period, based on information contained in the application;
- b) Financial Feasibility. The financial feasibility of the Project, taking into consideration the existing housing in the area in which the Project will be located, the area's housing needs as determined by the Authority, the cost of the Project, the projected income of the Project, and all sources of financing for the Project, including owner's equity;
- c) Sponsor's Ability. The ability of the Sponsor to successfully complete the Project and place it in service, taking into consideration the Sponsor's schedule submitted with the application, the Sponsor's experience in the development and rehabilitation of housing, and the size and scope of the Project;
- d) Unit Configuration. The number of units in the Project, including the number of bedrooms per unit, that meet the area's housing needs, as determined by the Authority;
- e) Location. The geographical location of the Project in relation to other Projects which have been allocated housing tax credit dollars for the calendar year, and whether the Project is located

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

in other than a constitutional home rule unit which has not ceded its housing tax credit dollars to the Authority;

- f) Housing Stock. The ability of the Project to increase the quality and quantity of housing stock and redevelop blighted areas or to prevent the occurrence of slum conditions;
- g) Number of Low-Income Units. Whether the designated number of units for low-income households exceeds the minimum requirements of Section 42 of the Internal Revenue Code;
- h) Involuntary Displacement. The ability of the Sponsor to minimize involuntary displacement of low-income households for rehabilitation Projects taking into consideration the safety of the tenants during rehabilitation, any necessary structural changes, the integrity of the structure and the scope of rehabilitation;
- i) Government Support. Assistance or financial support from Federal, State, or local governmental units;
- j) Non-Profit Participation. Material participation of a qualified nonprofit organization in the development and operation of the Project, as set forth in Section 42(h)(5) of the Internal Revenue Code;
- k) Special Needs Populations. The availability and accessibility of the Project for the physically handicapped, the mentally ill, the developmentally disabled or other special needs populations, in compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794);
- l) Percentage of Housing Tax Credit Dollar Amount. The Project with the higher percentage of housing tax credit dollars used for Project costs, other than the cost of intermediaries, shall be given preference over a lower percentage of housing tax credit dollars used for such costs;
- m) Compliance Period. Whether the length of time for which the Project is obligated to serve qualified tenants, pursuant to Section 350.208 of this Part, exceeds the minimum requirement of Section 42 of the Internal Revenue Code;
- n) Lowest Income Tenants. The ability of the Project to serve the lowest income tenants for the county, as determined by the Authority in evaluating the Project's proposed rent schedule;

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

- o) Public Housing Waiting Lists. The availability of the Project to low-income households who have applied for public housing and whose name is on a waiting list maintained by a public housing authority as certified by the Sponsor in the application; and
- p) Preservation. The ability of the Sponsor to continue to provide low income housing for Projects currently eligible to be prepaid and converted to market rate housing. The Sponsor shall provide written evidence of the Project's eligibility for prepayment and the Project's economic feasibility in the event of a prepayment.

Section 350.206 Allocation Amount - Project Feasibility

The housing tax credit dollar amount allocated to a Project shall not exceed the amount the Authority determines is necessary for the financial feasibility of the Project and its viability as a qualified low-income housing project throughout the Credit Period. The amount of the final housing tax credit dollars allocation for the Project will be the amount the Authority determines to be necessary at the time the building is placed in service. In making its determination of feasibility, the Authority shall consider the sources and uses of funds and the total financing planned for the Project and any proceeds or receipts expected to be generated by reason of tax benefits. The Authority shall make its determination of feasibility at each of the following times:

- a) The application for the housing tax credit dollar amount; and
- b) The conditional reservation of the housing tax credit dollar amount; and
- c) The date the building is placed in service.

Section 350.207 Approval or Rejection

- a) Upon completion of its review of an application for housing tax credit dollars, the Authority shall notify the Sponsor in writing of its approval or rejection of the application, in whole or in part, considering the availability of housing tax credit dollars; the need for housing throughout the State, as determined by the Authority, based on census data, social surveys, published data, or on-site inspections; the geographic distribution of housing tax credit dollars throughout the State; the information contained in the application; comments received pursuant to Section 350.204; and the Qualified Allocation Plan.

- b) Upon the approval of the application for housing tax credit dollars, in whole or in part, the Authority shall issue a letter conditionally allocating housing tax credit dollars to the qualified low-income building.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

- c) The conditional letter of reservation shall set forth the terms and conditions upon which the housing tax credit dollars will be allocated to the qualified low-income building, including, but not limited to:

- 1) Full compliance by both the Sponsor and the proposed Project with Section 42 and other applicable sections of the Internal Revenue Code;
- 2) Certification from the Sponsor certifying to the Authority that the Sponsor and the Project are in full compliance with Section 42 and other applicable sections of the Internal Revenue Code and will continue to be in such compliance for such time as required by the Internal Revenue Code; and
- 3) Certification from the Sponsor that there shall be no change in the Sponsor or the Sponsor's structure or the structure of the transaction without the prior written approval of the Authority. The Authority shall approve the change if the Sponsor or Sponsor's structure or the structure of the transaction complies with Sections 350.203 and 350.205 of this Part.
- 4) Certification from the Sponsor certifying the amount of all Federal, State and local subsidies which apply, or which the Sponsor expects to apply with respect to the building.
- 5) Execution of an extended low-income housing commitment agreement pursuant to Section 305.208 of this Part.

Section 350.208 Extended Low-Income Housing Commitment

The Sponsor and the Authority shall enter into an Extended Low-Income Housing Commitment Agreement prior to the Sponsor receiving any allocation of housing tax credit dollars. Pursuant to such Agreement, the Sponsor, and its successors, shall be required to meet the Applicable Fraction of low-income occupancy for an extended use period of at least fifteen (15) years beyond the Compliance Period. The Agreement shall contain any language necessary to comply with the requirements of Section 42(h)(6) of the Internal Revenue Code and be filed with the Recorder of Deeds in the county where the Project is located as a restrictive covenant on the real property of the Project.

Section 350.209 Project Certification

As of the date the Project is placed in service, the Sponsor shall certify to the Authority as to all amounts of Federal, State and local subsidies which apply, or which the Sponsor expects to apply, with respect to the

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

Project. The Sponsor shall further certify as to the Sponsor's and the Project's compliance with Section 42 and other applicable sections of the Internal Revenue Code and provide the Authority with any documentation submitted to the Internal Revenue Service which establishes compliance with the requirements of Section 42 and other applicable sections of the Internal Revenue Code.

Section 350.210 Housing Tax Credit Dollars Allocation

After acceptance of Sponsor's application and receipt by the Authority of all requested documentation, in a format acceptable to the Authority, which establishes to the satisfaction of the Authority that the Sponsor and the Project are in compliance with all the requirements of Section 42 and other applicable sections of the Internal Revenue Code, the Authority shall allocate housing tax credit dollars to the Project.

Section 350.211 Reservation of Housing Tax Credit Dollars for Period Other Than Current Calendar Year

The Authority may approve a Sponsor's application for housing tax credit dollars for a calendar year subsequent to the year of application, thereby reserving the credits from the subsequent year's credit ceiling if the Project meets the requirements of this Part. The Authority's approval is contingent upon the availability of housing tax credit dollars in the calendar year, the subsequent year and the date on which the Project will be placed in service.

Section 350.212 Revocation of Reservations

The Authority reserves the right to revoke reservations of housing tax credit dollars if a Sponsor fails to place the Project in service within the calendar year for which housing tax credit dollars have been reserved, or fails to meet the requirements for a carryover allocation as set forth in Section 42 of the Internal Revenue Code, or if the Project would otherwise not comply with Section 42 and other applicable sections of the Internal Revenue Code or with this Part.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Freedom of Information

2) Code Citation: 2 Ill. Adm. Code 1026

3) Section Numbers: Adopted Action:

1026.110	Amended
1026.120	Repealed
1026.130	Amended
1026.140	Amended
1026.150	Amended
1026.160	Amended
1026.170	Amended
1026.180	Repealed
1026.190	Amended
1026.200	Amended
1026.210	Repealed
1026.Appendix A	Repealed

4) Statutory Authority: Implementing and authorized by Ill. Rev. Stat. 1987, ch. 116, par. 201 and Ill. Rev. Stat. 1989, ch. 127, par. 1004.01.

5) Effective Date of Amendments: August 21, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? This rulemaking contains no incorporations by reference.

8) Date Filed in Agency's Principal Office: August 17, 1990

9) Notice(s) of Proposal Published in Illinois Register: Not applicable. This is an internal rulemaking and is exempt from the general rulemaking procedures.

10) Has JCAR issued a Statement of Objections to these amendments? No. This is an internal rulemaking and is exempt from the general rulemaking procedures.

11) Difference(s) between proposal and final version: Not applicable. This is an internal rulemaking and is exempt from the general rulemaking procedures.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIESDEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable. This is an internal rulemaking and is exempt from the general rulemaking procedures.

13) Will this amendment replace an emergency rule? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

These amendments implement the Department's policy governing charges for copies of public records and reflect actual costs of duplication. In addition, these amendments will result in a more efficient handling of requests for public record and to broaden the use of fee waivers. Certain technical changes have also been made and the use of a request form has been dropped.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Joseph R. Buckles
Rules Administrator
Address: 400 Stratton Building
Springfield, IL 62765
Telephone: (217)785-3313

The full text of the Adopted Amendments begins on the next page:

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER XIV: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIESPART 1026
FREEDOM OF INFORMATION

SUBPART A: INTRODUCTION

Section	Summary and purpose
1026.110	Definitions (repealed)
1026.120	

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

1026.130	Person to whom requests are submitted
1026.140	Form and content of requests

SUBPART C: PROCEDURES FOR DEPARTMENT
RESPONSE TO REQUESTS FOR PUBLIC RECORDS

1026.150	Timeline for Department response
1026.160	Types of Department responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL APPEAL OF A DENIAL

1026.170	Appeal of a denial and response
1026.180	Director's response to appeal (repealed)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

1026.190	Inspection of records at Department offices
1026.200	Copies of public records
1026.210	General materials available from the Freedom of Information Officer (repealed)

1026.APPENDIX A REQUEST FOR PUBLIC RECORDS (repealed)

AUTHORITY: Implementing The Freedom of Information Act (Supp. to Ill. Rev. Stat. 1983, ch. 116, par. 201 et seq.) and Section 4-01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1983, ch. 127, par. 1004-01) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1983, ch. 917, par. 6-104) and Section 5 of "An Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" (Ill. Rev. Stat. 1983, ch. 917, par. 100-5).

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 1 of The Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, par. 201) and Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1004.01)

SOURCE: Adopted at 8 Ill. Reg. 12267, effective July 1, 1984; amended at 14 Ill. Reg. 14032, effective August 21, 1990

SUBPART A: INTRODUCTION

Section 1026.110 Summary and purpose

a) These rules are This Part has been established to implement the provisions of The Freedom of Information Act (Supp. to Ill. Rev. Stat. 1983 1989, ch. 116, par. 201 et seq.) (FOIA). The purpose of these rules This Part is to support the policy of providing public access to the public records in the possession of the this Department of Mental Health and Developmental Disabilities (the Department) while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.

b) These rules This Part creates a procedure by which the public may request and obtain public records. Therefore, they are being filed in accordance with Section 4-01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1983, ch. 127, par. 1004.01).

(Source: Amended at 14 Ill. Reg. 14032, effective August 21, 1990)

Section 1026.120 Definitions (repealed)

Terms used in these rules shall have the same meaning as in the Freedom of Information Act.

"FOIA" means The Freedom of Information Act.

"Freedom of Information Officer" means an individual responsible for receiving and responding to requests for public records.

"Requester" means a person who submits a request for public records in accordance with these rules.

(Source: Repealed at 14 Ill. Reg. 14032, effective August 21, 1990)

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

ILLINOIS REGISTER
DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

Section 1026.130 Person to whom requests are submitted

Requests for public records shall be submitted to the Department's Freedom of Information (FOI) Officer. Requests shall be submitted to the following address:

Freedom of Information Officer
Department of Mental Health and Developmental Disabilities
401 South Spring Street
Springfield, IL 62706 62765
ATTN: FOIA Request

(Source: Amended at 14 Ill. Reg. 14032, effective August 21, 1990)

Section 1026.140 Form and content of requests

a) Requests made in accordance with the FOIA and these rules this Part shall be in writing and may be submitted on FOIA request forms provided by the Department. (See Appendix A at the end of this Part.)

b) Oral requests will be handled expeditiously. However, the required response times and the appeal procedures contained in the FOIA and these rules do not apply to oral requests.

e) b) The requestor shall provide the following information in a request for public records:

- 1) The requestor's full name, address and phone number;
- 2) A brief description of the public records sought, being as specific as possible;
- 3) Whether the request is for inspection of public records, copies of public records, or both;
- 4) Whether the requestor wants copies "certified". The FOI Officer shall provide the appropriate FOI certification, when requested.

(Source: Amended at 14 Ill. Reg. 14032, effective August 21, 1990)

SUBPART C: PROCEDURES FOR DEPARTMENT RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section 1026.150 Timeline for Department response

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIESDEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- a) The Department shall respond to a written request for public records within 7 seven working days after the receipt of such request.
- b) The Department may give notice of an extension of time to respond which does not exceed an additional 7 seven working days. Such an extension is allowable only if written notice is provided within the original 7 seven working day time limit and only for the reasons provided in Section 3 (d) of the FOIA. Such notice of extension shall state the reasons why the extension is necessary.

(Source: Amended at 14 Ill. Reg. 14032, effective August 21, 1990)

Section 1026.160 Types of Department responses

- a) The Department shall respond to a request for public records in one of three five ways:

- 1) Approve the request;
- 2) Approve in part and deny in part;
- 3) In the case of "undue burden" give the requestor the opportunity to narrow the request to the extent that the request no longer constitutes an undue burden;
- 3) 4) Deny the request; i
- 5) Refer the request to a different state agency.

- b) Upon approval of a request for public records, the Department may either provide the materials immediately, give notice that the materials shall be made available up on payment of reproduction costs or give notice of the time and place for inspection of records.

- c) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of the FOIA and shall include the names and titles of individuals responsible for the decision. It shall also give notice of the requestor's right to appeal to the Director of the Department.

- d) Categorical requests creating an undue burden upon the Department shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce narrow the request to manageable proportions in accordance with Section 3(f) of the FOIA.

- e) Failure to respond to a written request within 7 seven working days may be considered by the requestor a denial of the request unless the requestor is otherwise notified. Such a denial may be appealed to the Director in accordance with Section 1026.170.

(Source: Amended at 14 Ill. Reg. 14032, effective August 21, 1990)

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL APPEAL OF A DENIAL

Section 1026.170 Appeal of a denial and response

- a) A requestor whose request has been denied by the Freedom of Information FOI Officer may appeal the denial to the Director of the Department. The notice of appeal shall be made in writing and sent to:

Director
Department of Mental Health and Developmental Disabilities
401 South Spring Street
Springfield, IL 62706 62765
ATTN: FOIA Appeal

- b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requestor, and a statement of the reasons why the appeal should be granted.

- c) The Director shall respond to an appeal within seven working days after receiving notice thereof. The Director shall either affirm the denial or uphold the appeal. Failure to respond within seven working days shall be considered by the requestor an affirmation of the denial unless otherwise notified.

(Source: Amended at 14 Ill. Reg. 14032, effective August 21, 1990)

Section 1026.180 Director's response to appeal (repealed)

The Director shall respond to an appeal within 7 working days after receiving notice thereof. The Director shall either affirm the denial or provide access to the requested public records. Failure to respond within 7 working days may be considered by the requestor an affirmation of the denial.

(Source: Repealed at 14 Ill. Reg. 14032, effective August 21, 1990)

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section 1026.190 Inspection of records at Department offices

- a) Generally, public records will be made available for inspection during normal working hours of the Department, at the office of the Freedom of Information Officer.
- b) Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by Department employees.
- c) Unless otherwise arranged, the inspection of records shall take place at the office of the Freedom of Information officer. For purposes of convenience, either the Department or the requestor may request that inspection take place in another Department office location.
- d) An employee of the Department may be present throughout the inspection. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.
- e) Files shall be reviewed and confidential documents removed by Department employees before a requestor is permitted access to them. The FOI Officer shall be consulted in cases when employees have questions concerning confidentiality.
- f) The requestor shall arrange a time and date to review records that is convenient for the Department employees who maintain the requested records.
- g) A requestor may not remove records from the Department offices, except those copies produced during the course of inspection.

(Source: Amended at 14 Ill. Reg. 14032, effective August 21, 1990)

Section 1026.200 Copies of public records

- a) Copies of public records shall be provided to the requestor only upon after payment of any charges which are due. If payment is not received within 60 days after the Department has notified the requestor of the charges, the Department shall consider the request withdrawn.
- b) Charges for copies of public records shall be assessed in accordance with the following fee schedule:

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

Type-of-duplication:

- 1) Paper copy from paper original - \$.25 05 per copy, after the first 100 copies;
- 2) Paper copy from microfilm original - Commercial price;
- 3) Document certification---\$1.00-per-document Documents requiring computer generation - Cost assessed the Department for computer time;
- 4) Publications - Charges assessed on a cost-per-unit basis, but less than \$.25 per page.

c) Charges shall be waived if: the requestor is a constitutional officer or a member of the General Assembly. Charges may be waived in cases where the Freedom of Information Officer determines that the waiver serves the public interest.

- 1) The requestor is a state agency;
- 2) The requestor is an agency of the federal, county, township, city or other governmental body;
- 3) The requestor is a constitutional officer or a member of the General Assembly or United States Congress or staff of a constitutional officer or member of the General Assembly or United States Congress;
- 4) The requestor is a not-for-profit organization;
- 5) The requestor is indigent;
- 6) The requestor is the news media; or

7) The requestor states the specific purpose of the request and indicates that a waiver of the fee is in the public interest. Waiver of a fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit in accordance with Section 6(b) of the FOIA (11). Rev. Stat. 1989, par. 206(b)).

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

- d) Charges may be waived in any other case when the Freedom of Information Officer determines that the waiver serves the public interest.

(Source: Amended at 14 Ill. Reg. 14032, effective August 21, 1990)

Section 1026.210 General materials available from the Freedom of Information Officer (repealed)

The Freedom of Information Officer shall make available to the public at no charge the following materials:

- a) A brief description of the organizational structure and budget of the Department;
- b) A brief description of the means for requesting information and public records; and
- c) A list of types and categories of public records maintained by the Department.

(Source: Repealed at 14 Ill. Reg. 14032, effective August 21, 1990)

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

Section 1026. APPENDIX A REQUEST FOR PUBLIC RECORDS (repealed)

TO: Freedom of Information Office
Department of Mental Health &
Developmental Disabilities
422 Stratton Building
Springfield, IL 62706

FROM:

NAME

ADDRESS

PHONE NUMBER

DESCRIPTION OF REQUESTED RECORD(S):

Please indicate if you wish to inspect the above captioned records or wish a copy of them:

Inspection Copy Both

Do you wish to have copies certified?

FOR OFFICE USE ONLY:

DATE RECEIVED

DATE RESPONSE DUE

Notations per oral communications or other items:

(Source: Repealed at 14 Ill. Reg. 14032, effective August 21, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

1) Heading of the Part: SPECIAL WASTE CLASSIFICATIONS2) Code Citation: 35 Ill. Adm. Code 8083) Section Numbers: Adopted Action:

808.100 New Section
 808.101 New Section
 808.110 New Section
 808.111 New Section
 808.121 New Section
 808.122 New Section
 808.123 New Section
 808.240 New Section
 808.241 New Section
 808.242 New Section
 808.243 New Section
 808.244 New Section
 808.245 New Section
 808.300 New Section
 808.301 New Section
 808.302 New Section
 808.400 New Section
 808.401 New Section
 808.402 New Section
 808.410 New Section
 808.411 New Section
 808.412 New Section
 808.413 New Section
 808.420 New Section
 808.430 New Section
 808.431 New Section
 808.501 New Section
 808.502 New Section
 808.520 New Section
 808.521 New Section
 808.522 New Section
 808.541 New Section
 808.542 New Section
 808.543 New Section
 808.544 New Section
 808.545 New Section
 808.600 New Section
 808.App A New Section
 808.App B New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1021, 1021, 1022, 1022.01, 1022.9 and 1027.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

5) Effective Date of Rules: August 15, 19906) Does this rulemaking contain an automatic repeal date? No.7) Do these rules contain incorporations by reference?

Yes. The incorporations by reference are at Section 808.111. Ten of the incorporations by reference are pursuant to Ill. Rev. Stat. 1989, ch. 127, par. 1006.02(a). Three of the incorporations by reference are pursuant to Ill. Rev. Stat. 1989, ch. 127, par. 1006.02(b). The Board has submitted the latter three references to the Joint Committee on Administrative Rules (JCAR) for review. JCAR submitted two Certificates of Approval on October 17 and December 14, 1989.

8) Date filed in Board's Principal Office: Order adopted August 9, 1990.9) Notice of Proposal Published in Illinois Register:

August 25, 1989, 13 Ill. Reg. 13468

10) Has JCAR issued a Statement of Objections to these rules? No.11) Differences between proposal and final version:

The Board initially adopted the proposed rules and amendments by its Opinion and Order of August 10, 1989. That Order resulted in Publication of the Notice of Proposed Amendments (for Part 809) and Notice of Proposed Rules (for Part 808) in the Illinois Register. The Board subsequently amended the proposal in an Interim Request for Public Comment (not published in the Illinois Register), dated October 18, 1989, and by the Second Notice Opinion and Order of November 15, 1989 (also not published in the Register). The Board included the primary text of those three documents as part of the Final Opinion dated August 9, 1990 that accompanied the Order which adopted the present rules and amendments. The Board's Opinions and Orders of October 18 and November 15, 1989 and August 9, 1990 discuss the revisions in detail. Interested persons can obtain copies of any of these documents by contacting the Board as indicated below. The Board requests that interested persons refer to docket R89-13(A) when requesting copies.

In general, the revisions deleted all matter not directly related to the Department of Energy and Natural Resources (IDENR) waste categorization study and special waste manifesting. One specific example of a deleted provision is Section 808.601, the categorical hazardous hospital waste rule. As discussed in the Board opinions of November 15, 1989 and August 9, 1990, the Board will defer this subject matter to a future rulemaking.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

The adopted version of the rules also effect other substantive and non-substantive changes to the proposed version. They attempt to clarify various aspects of the waste categorization system, they provide for a four-part manifest system and annual and quarterly reporting, and they provide for Illinois Environmental Protection Agency (IEPA) re-evaluation of past waste determinations within two years of when the amendments and rules become effective. Other revisions exempt water and wastewater treatment sludges that are already regulated under an IEPA-approved sludge management program from regulation under the solid waste rules, group wastes posing a moderate degree of hazard with those posing a low degree of hazard (as Class B special waste), eliminate many non-toxicity-based criteria for classification, revised certain dates, add and revise definitions, and correct typographic errors. The Opinion and Order of August 9, 1990 indicates exact location of each revision.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Yes. The Board received preliminary JCAR questions and comments on October 31, 1989 and received JCAR's general questions and problems on June 8 (Part 809) and 12 (Part 808), 1990. These resulted in revisions to the text of the rules. Conferences between Board staff and JCAR staff between June 18 and 20, 1990 resulted in additional revisions to the text to the proposed rules and amendments. The Board's Opinions and Orders of November 15, 1989 and August 9, 1990 discuss those revisions in detail. Interested persons can obtain copies of any of these documents by contacting the Board as indicated below. The Board requests that interested persons refer to docket R89-13(A) when requesting copies.

In general, the changes made in response to JCAR input effected corrections and clarifications to the text. The Opinion and Order of August 9, 1990 indicates the exact location of those revisions.

- 13) Will these rules replace an emergency rule currently in effect? No.

- 14) Are there any other rules pending on this Part? No.

- 15) Summary and Purpose of rules:

A complete description is contained in the Board's Opinion of August 9, 1990 in R89-13(A), which Opinion is available from the address below.

In general, the proposed rules and amendments effect a method for classification and declassification of special wastes based on their degree of hazard, as suggested by a study submitted by IDENR. They also revise the special waste manifest requirements to allow the use and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

distribution of fewer manifest forms than in the past. Rather, the amendments and rules require submission of annual of quarterly reports to IEPA.

- 16) Information and questions regarding this adopted rules shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted rules begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 808

SPECIAL WASTE CLASSIFICATIONS

SUBPART A: GENERAL PROVISIONS

Section
808.100
808.101
808.110
808.111
808.121
808.122
808.123

Purpose, Scope and Applicability
Transitional Rule
Definitions
Incorporations by Reference
Generator Obligations
Manifests
Small Quantity Generators

SUBPART B: CLASSES OF SPECIAL WASTE

Section
808.240
808.241
808.242
808.243
808.244
808.245

Special Waste Classes
Default Classification of Special Wastes
Special Handling Waste
Wastes Categorized by Source
Wastes Categorized by Characteristics
Classification of Wastes

SUBPART C: CRITERIA AND DATA REQUIREMENTS

Section
808.300
808.301
808.302

Introduction
Degree of Hazard Determination by Computer
Data Base and Bioassay Procedures

SUBPART D: REQUEST FOR WASTE CLASSIFICATION

Section
808.400
808.401
808.402
808.410
808.411
808.412
808.413
808.420
808.430
808.431

Introduction
Application Forms
Application for Waste Classification
Physical and Chemical Analysis
Significant Trace Constituents
Common Names
Wastestream Description
Quality Assurance Plan
Degree of Hazard Data
Toxicological Testing

SUBPART E: REVIEW OF CLASSIFICATION REQUESTS

Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

808.501 Order of Requesting Information
808.502 Completeness

SUBPART F: WASTESTREAM CLASSIFICATION DETERMINATIONS

Section
808.520
808.521
808.522

Time for Agency Action
Conditions of Wastestream Classification
Final Agency Action

SUBPART G: MODIFICATION, APPEAL AND ENFORCEMENT

Section
808.541
808.542
808.543
808.544
808.545

Request for Modification
Appeal
Effect of Classification
Enforcement
Modification

SUBPART H: CATEGORICAL AND CHARACTERISTIC WASTES

Section
808.600

Introduction

808.Appendix A Assignment of Special Waste to Classes
808.Appendix B Toxicity Hazard

AUTHORITY: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 1021, 1022, 1022.01, 1022.9 and 1027).

SOURCE: Adopted in R89-13A at 14 Ill. Reg.14043 , effective August 15, 1990

SUBPART A: GENERAL PROVISIONS

Section 808.100

Purpose, Scope and Applicability

a)

This Part provides a means by which persons may obtain a classification or declassification of special (non-Resources Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.) waste as defined in Section 808.110, based on the degree of hazard of the waste or other characteristics, to assure that the waste receives appropriate handling. This Part does not apply to materials which are not special wastes as defined by the Act.

b)

This Part allows any person generating such special waste to request waste classification and prescribes procedures by which applicants may supply detailed information in order to establish

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

the appropriate waste classification. For the purposes of this Part, the term "classification" includes declassification. Waste which has been declassified shall not be deemed special waste until further action to the contrary by the Agency pursuant to this Part.

- c) Special wastes that are declassified pursuant to this Part are not subject to any of the special waste hauling, disposal and reporting requirements of 35 Ill. Adm. Code 809, but are still subject to other Parts of 35 Ill. Adm. Code: Subtitle G which govern the transport, treatment, storage and hauling of non-special wastes.

Section 808.101 Transitional Rule

Wastestreams which have been declassified by the Agency pursuant to Section 22.9(c) of the Act prior to the effective date of these rules shall remain declassified for a period of not more than two years following the effective date of these rules, unless extended by the Board in a variance proceeding. In order to accommodate its workload, the Agency may, by giving not less than 180 days' prior written notice, require generators to make reapplication by a date certain within this two year time period. The Agency may extend this reapplication deadline for a period of not more than an additional 180 days, but in no event may the Agency extend the deadline to a date more than two years following the effective date of this Part. Upon application before the deadline, such wastestreams shall remain declassified during the pendency of any Agency determination or any appeal to the Board of such determination made pursuant to Section 22.9(e) of the Act. As provided in Section 808.241, all special (non-RCRA) wastes shall be deemed Class A special wastes unless a contrary determination has been made pursuant to this Part.

Section 808.110 Definitions

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 1001 et seq.).

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Carcinogen" means a chemical, or complex mixture of closely related chemicals, which has been determined in accordance with USEPA Guidelines for Carcinogenic Risk Assessment, incorporated by reference at Section 808.111, to have either sufficient or limited human evidence or sufficient animal evidence supporting a causal association between exposure to the chemical and an increase in incidence of benign or malignant neoplasms or substantial decrease in the latency period between exposure and onset of neoplasms.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

"Declassified waste" means a waste which has been determined pursuant to Section 808.245 to not be a special waste.

"Degree of hazard" is determined pursuant to Section 808.245.

"Hazardous waste" or "RCRA hazardous waste" is as defined in 35 Ill. Adm. Code 721.

"LC₅₀" means that concentration of a substance administered to test organisms that is lethal to 50 percent of a population of exposed organisms in a given time period. "Inhalation rat" means that the substance is administered by inhalation and the test organisms are laboratory rats. "Aquatic toxicity" means that the substance is administered in water to specified free-swimming test organisms.

"LD₅₀" means that dose of a substance administered to test organisms that is lethal to 50 percent of a population of exposed organisms in a given time period. "LD₅₀ - oral rat" or "oral rat" means that dose of a substance, administered orally, that is lethal to 50 percent of a population of exposed rats in a given time period.

"Mutagen" means a chemical, or complex mixture of closely related chemicals or ionizing radiation which has been determined, in accordance with USEPA Guidelines for Mutagenic Risk Assessment, incorporated by reference at Section 808.111, to have sufficient evidence supporting a causal association between exposure to the chemical and point mutations (i.e., submicroscopic changes in the base sequence of DNA) or structural or numerical chromosome aberrations. Structural aberrations include deficiencies, duplications, insertions, inversions, and translocations, whereas numerical aberrations are gains or losses of whole chromosomes (e.g., trisomy, monosomy) or sets of chromosomes (haploidy, polyploidy).

"Special handling waste" is a declassified waste which, due to its form or mode of containment in transport or storage, presents a danger to a person handling the waste such that the person needs information about the waste to safely transport or store the waste. "Special handling waste" includes any such waste which would pose a danger if handled in a manner similar to household waste. "Dangers" include, but are not limited to, the following: fire, explosion, and emission of toxic or carcinogenic gas or dust. "Special handling waste" also includes any special waste which, because of appearance or packaging, resembles waste which would be a special handling waste. Such waste includes, but is

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

not limited to, any special waste contained in a sealed drum. Irrespective of its degree of hazard ranking under Section 808.245, a special handling waste is a special waste.
BOARD NOTE: Section 808.245(d) provides that special handling waste which would otherwise be declassified is at least a Type B special waste.

"Special (non-RCRA) waste" is any special waste that is not a hazardous waste, as defined in this Section.

"SPECIAL WASTE" MEANS ANY HAZARDOUS WASTE, AND ANY INDUSTRIAL PROCESS WASTE OR POLLUTION CONTROL WASTE WHICH HAS NOT BEEN DECLASSIFIED pursuant to Section 808.245. (Section 3.45 of the Act.)

BOARD NOTE: The definition of "hazardous waste" at Section 3.15 of the Act differs from the definition of the same term as used in this Part. The Board intends that the Section 3.15 definition apply to this Part only for the purposes of this definition of special waste. The Board intends that the definition given in this Section apply to all other appearances of the term "hazardous waste" throughout this Part.

"TC₅₀" means that dose of a substance administered to test organisms that produces toxic effects in 50 percent of a population of exposed organisms in a given time period. "TP₅₀ - oral rat" means that the test organisms are laboratory rats.

Section 808.111 Incorporations by Reference

- a) The Board incorporates the following materials by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI/ASQC C1-1985, "Specification of General Requirements for a Quality Program", approved November, 1985.

ANSI/ASQC S1-1987, "An Attribute Skip-Lot Sampling Program", approved March 6, 1987.

ANSI/ASQC Q94-1987, "Quality Management and Quality System Elements -- Guidelines", Approved June 15, 1987.

ANSI/ASQC Z1.4-1981, "Sampling Procedures and Tables

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

for Inspection by Attributes", Approved 1981.

ANSI/ASQC Z1.9-1980, "Sampling Procedures and Tables for Inspection by Variables for Percent Nonconforming", Approved March 6, 1980.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

ASTM Standard D 3828-87 "Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester", approved December 14, 1987.

ASTM Standard D-93-79 or D-93-80 "ASTM Standard Test Methods for Flash Point Pensky-Martens Closed Tester," approved August 19, 1980.

ASTM Standard E 896-87 "Standard Test Method for Conducting Aqueous Direct Photolysis Tests", approved September 25, 1987.

ASTM Standard E 1147-87 "Standard Test Method for Partition Coefficient (n-Octanol/Water) Estimation by Liquid Chromatography", approved February 27, 1987.

ASTM Standard E 1148-87 "Standard Test Method for Measurements of Aqueous Solubility", approved April 3, 1987.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677).

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 United States Environmental Protection Agency (Third Edition, November, 1986).

Federal Register. Available from the Superintendent of Documents, United States Printing Office, Washington, DC 20402:

USEPA Guidelines for Carcinogenic Risk Assessment, 51

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Fed. Reg. 33992-34003 (September 21, 1986).

- b) This Section incorporates no future amendments or editions.

Section 808.121 Generator Obligations

- a) Each person who generates waste shall determine whether the waste is a special waste.

BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if the waste is a hazardous waste.

- b) No person shall deliver special waste to a hauler unless the waste is accompanied by a manifest as specified in Section 808.122, and the hauler has a special waste hauling permit issued pursuant to 35 Ill. Adm. Code 809. The following are exceptions to this prohibition:

- 1) The person is subject to the small quantity generator exemption of Section 808.123.
- 2) The hauler and waste are subject to a hauler exemption under 35 Ill. Adm. Code 809.211.
- 3) The Agency has determined pursuant to this Part that the waste is not a special waste.

- 4) The waste consists of municipal water or wastewater treatment plant sludge regulated under a sludge management plan approved by the Agency pursuant to 35 Ill. Adm. Code 309.208.

- c) NO PERSON SHALL CAUSE, THREATEN OR ALLOW THE TREATMENT, STORAGE OR DISPOSAL OF SPECIAL WASTE IN ILLINOIS EXCEPT:

- 1) AT A FACILITY PERMITTED OR OTHERWISE AUTHORIZED TO MANAGE THE SPECIAL WASTE PURSUANT TO 35 ILL. ADM. CODE 703 OR 807 (Sections 21(d) and (e) of the Act); or
- 2) AT A FACILITY OWNED AND OPERATED BY SUCH PERSON AND SUBJECT TO THE ON-SITE DISPOSAL EXEMPTION OF SECTION 21(d) OF THE ACT (Section 21(d) of the Act).

- d) No person shall deliver special waste to a hauler or a permitted facility without a supplemental wastestream permit.

- e) No person shall deliver to a hauler or permitted facility waste which has been classified or declassified by the Agency pursuant

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

to this Part unless the waste conforms with the description and characteristics in the wastestream classification determination.

Section 808.122 Manifests

Except as otherwise provided by Section 808.121(b), the generator of any special waste shall prepare a manifest, as prescribed by 35 Ill. Adm. Code 809.501, prior to shipment.

Section 808.123 Small Quantity Generators

Any person who generates a total quantity of special waste of 100 kilograms (220 pounds) or less in a calendar month is not required to initiate a manifest when delivering such special waste to a hauler, provided that such waste shall not be accumulated for more than 180 days prior to shipment. In any action to enforce the requirements of this Part in which the generator asserts the applicability of this Section, the burden of proof shall be on the generator to establish compliance with the monthly quantity limitation and the time limit on accumulation. The generator shall record and maintain the quantities and dates of waste generation and accumulation to establish compliance with such quantity and time limitations.

SUBPART B: CLASSES OF SPECIAL WASTE

Section 808.240 Special Waste Classes

- a) This Subpart contains rules for the classification and declassification of special (non-RCRA) wastes. There are two classes of such special wastes, "Class A" and "Class B." Wastes which are declassified pursuant to Section 808.245 of this Part shall no longer be considered special wastes.
- b) "Class A" special wastes are those special (non-RCRA) wastes which the Agency has not determined, pursuant to this Part, to be a Class B special waste. "Class B" special wastes are those special (non-RCRA) wastes which the Agency determines, pursuant to Section 808.245, pose a low or moderate degree of hazard to the environment or the public health in the course of their transportation, storage, treatment or disposal.
- c) This Subpart should be read in conjunction with the flowchart in Appendix A. The flowchart is employed by answering the queries in order, beginning from the top, and following the lines corresponding to the appropriate responses down the chart until the waste is classified. The Sections of this Subpart are so arranged on that flowchart that the first Section on the chart which assigns a waste classification to the waste controls.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

d) Subpart D contains procedures by which a person may request that the Agency assign a special wastestream to a class.

e) Subpart H contains waste classifications based on source or characteristics to which specific wastestreams have been assigned.

Section 808.241 Default Classification of Special Wastes

Any special (non-RCRA) waste is a Class A special waste unless and until the Agency determines otherwise pursuant to this Part.

Section 808.242 Special Handling Waste

The Agency may determine that a waste which is declassifiable pursuant to Section 808.245(d) is a special handling waste. Any such waste shall be so identified by the Agency, together with appropriate conditions on its form and mode of containment in transport or storage. A declassifiable waste which is determined to be a special handling waste is a Class B special waste.

BOARD NOTE: This rule sets the special handling flag. A special handling waste will require manifesting, regardless of the toxic score under Section 808.245, to protect the waste hauler, the treatment or disposal operator and their employees.

Section 808.243 Wastes Categorized by Source

a) Subpart H identifies certain categories of wastes, based on the type of source or generator, and assigns them to classes.

b) A waste which meets the criteria for inclusion within a category based on the type of source or generator is a special waste of the class specified for that category.

Section 808.244 Wastes Categorized by Characteristics

a) Subpart H identifies certain categories of waste, based on their characteristics, and assigns them to classes.

b) A waste which meets the criteria for inclusion within a category based on its characteristics is a special waste of the class specified for that category.

Section 808.245 Classification of Wastes

Special wastes which are subject to this Subpart shall be classified or declassified based on toxic score as follows:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

a) Compute the toxic score for the wastestream pursuant to Appendix B or, where applicable, pursuant to Section 808.431, utilizing a data base which meets the standards of Section 808.302. However, if use of Appendix B or Section 808.431 is demonstrated to the Agency to be inapplicable or unavailable for the wastestream, the generator may employ a bioassay procedure approved by the Agency pursuant to Section 808.302, solely for the purpose of determining if the waste in its undiluted form results in no behavioral response from the exposed test organisms and, thus, warrants a toxic score of 0 (zero). Where applicable, the toxic score shall include the maximum volume of waste to which such score applies.

b) Except as authorized under subsection (e), a wastestream receiving a toxic score of 3 shall be deemed a Class A special waste.

c) Except as authorized under subsection (e), a wastestream receiving a toxic score of 1 or 2 shall be deemed a Class B special waste; however, such waste shall be deemed a Class A special waste if the Agency determines that it exhibits one or more of the following characteristics:

1) The physical form of the waste renders it difficult to manage in transport, storage or handling prior to final disposition, or in a landfill (Examples of wastes possessing such form are wastes containing free liquids, and wastes in finely divided form which are susceptible to airborne dispersal.);

2) The chemical properties of the waste, if exposed to the atmosphere or to an aqueous environment, render it difficult to manage in the event of a leak, spill or other loss of containment during transport, storage or handling prior to final disposition, or in a landfill (Examples of wastes possessing such properties are wastes which produce noxious or toxic fumes or gases in sufficient concentration and quantity to pose a threat to the public health or the environment, wastes which are ignitable or flammable, wastes which are readily soluble in water, and wastes which are highly mobile in an aqueous environment, including in groundwater.); or

3) The unstable nature of the waste renders it difficult to contain during transport, storage or handling prior to final disposition, or in a landfill (Examples of wastes possessing such an unstable nature are wastes which are corrosive or reactive, and any other wastes which, under foreseeable conditions, may cause the premature failure of waste containment devices and structures.).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- d) A wastestream receiving a toxic score of 0 shall be declassified, except that such a waste that is determined by the Agency to be a special handling waste shall be deemed a Class B special waste.
- e) Notwithstanding a wastestream's toxic score, the Agency may condition a lowered classification or a declassification of a special waste under this Section. Such conditions imposed by the Agency shall be limited to measures by which the generator shall, by particular modes or forms of containment or treatment, assure that the dangerous characteristics of the wastes are avoided or reduced. (Examples of such measures are neutralization of acidic wastes prior to shipment, containment or encapsulation of finely divided wastes, and treatment of ignitable wastes so as to preclude ignition.) However, under no circumstances shall a wastestream with a toxic score of 3 be declassified based solely upon its mode of containment.
- f) All conditions or limitations imposed by the Agency that relate to the toxic score (including, where applicable, maximum wastestream volume) and classification or declassification of a wastestream shall be specified in the Agency's determination.

SUBPART C: CRITERIA AND DATA REQUIREMENTS

Section 808.300 Introduction

This Subpart governs criteria and data requirements which shall be used to predict the degree of hazard pursuant to Section 808.245.

Section 808.301 Degree of Hazard Determination by Computer

- a) The Agency may employ electronic data processing equipment and programs to accomplish the purposes of this Subpart. Any such program must assign a degree of hazard according to the method specified in Section 808.245.
- b) The output generated by use of such equipment or such a program must display all data used in each degree of hazard prediction, together with the source of the data.
- Section 808.302 Data Base and Bioassay Procedures
- a) This Section governs the data base and bioassay procedures which may be employed to assess the physical, chemical and toxicological properties of waste constituents.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- b) The data base, and any bioassay procedure utilized pursuant to Section 808.245(a), shall consist of and use data and procedures which the Agency determines are a reliable basis for decision. Reliability of a source of data and procedures shall be assessed by reference to such factors as, but not limited to, scientific validity; consistency with directly observable data, including monitoring data; and the consistency of results of repeated applications of the data, procedures and formulae. Sources of data may include, but are not limited to, the following:
- 1) Standard reference sources;
 - 2) Material published or incorporated by reference by a federal regulation or by a regulation adopted by an agency of the State of Illinois;
 - 3) The application under consideration and written communications between the applicant and the Agency or their representatives with respect to the application;
 - 4) Data and procedures previously used by the Agency in other wastestream categorization determinations; or
 - 5) Agency inspection, permitting and enforcement files relating to the generator or the wastestream, excluding complaint forms (except where the complainant will be available voluntarily for deposition and examination under oath at any hearing on appeal pursuant to Subpart G).
- c) The Agency shall make available for inspection and copying by the public a list of the sources of data and bioassay procedures which it has previously utilized for purposes of this Section, excluding any data described in subsection (b)(3) of this Section that is protected from public disclosure pursuant to Sections 7 or 7.1 of the Act or pursuant to 35 Ill. Adm. Code 101 or 120.

SUBPART D: REQUEST FOR WASTE CLASSIFICATION

Section 808.400 Introduction

- a) This Subpart specifies the procedures which shall be used to obtain a waste classification from the Agency.
- b) A waste classification may be requested by generators of special waste, as specified in Subpart A.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 808.401 Application Forms

Persons applying for a waste classification shall use application forms provided or approved by the Agency.

Section 808.402 Application for Waste Classification

An application for waste classification shall, at a minimum, include the following information:

a) Basic information:

- 1) The name, address and phone number of the original generator;
 - 2) The original generator's United States Environmental Protection Agency (USEPA) identification number (35 Ill. Adm. Code 722.122) and the Agency identification number, if the original generator has obtained either;
 - 3) The name and address of any treater of the waste;
 - 4) Any treater's USEPA identification number and Agency site number, if the treater has obtained either;
 - 5) Whether any treater has a RCRA permit or interim status;
 - 6) A chemical and physical analysis of the waste, as specified in Section 808.410;
 - 7) A wastestream description, as specified in Section 808.413;
 - 8) A quality assurance plan, as specified in Section 808.420;
 - 9) A description of any current waste storage, treatment and disposal processes applicable to the wastestream;
 - 10) Identification of the disposal site or sites to which the applicant proposes to send the waste, and the proposed modes of transportation;
- BOARD NOTE: This information is requested to assist the Agency in reviewing the application. These rules do not preclude use of a disposal site which is not identified in the application for classification; and
- 11) Wastestream number of any supplemental wastestream permit issued for the waste pursuant to 35 Ill. Adm. Code 807.210,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

and the expiration date of any such permit.

- b) The rationale for requesting classification, including all relevant calculations and other bases for conclusions; (If Appendix B of this Part has not been utilized for purposes of calculating the toxic score, such rationale shall indicate the reasons for using an alternative means of determining the toxic score, including an explanation of whether the alternative means chosen is equivalent to Appendix B.)

- c) Data establishing that the waste is not a hazardous waste pursuant to 35 Ill. Adm. Code 721;

BOARD NOTE: Wastestream categorization is not applicable to RCRA hazardous wastes. If the generator anticipates that this will be an issue, the generator should include documentation supporting the claim that the waste is not a hazardous waste pursuant to 35 Ill. Adm. Code 721.

- d) Data bearing on whether the waste is a special handling waste, including the physical form of the waste and the mode of containment, if any, during transport;

- e) Whether the waste can be categorized by source, pursuant to Section 808.243, or by characteristic, pursuant to Section 808.244;

- f) Sufficient physical, chemical and toxicological data to assign a degree of hazard pursuant to Section 808.430;

- g) If necessary, results of toxicological testing, as specified in Section 808.431;

- h) Such additional information as the generator believes is appropriate to show that the waste should be classified as the generator requests; and

- i) Such additional information as the Agency determines is necessary to assign the waste to a class. The Agency may specify additional information by a request directed to the individual applicant.

Section 808.410 Physical and Chemical Analyses

Physical and chemical analyses of wastes for purposes of this Subpart shall be conducted as follows:

- a) Samples shall be representative of the wastestream and shall:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- 1) Include all waste phases;
- 2) Be taken from areas distributed spatially within the waste bulk; and
- 3) Be taken at suitable time intervals and over a sufficient period of time to account for variation in the wastestream through work shifts, seasons, etc.
- b) The following properties shall be determined and reported:
 - 1) The physical description of the wastestream, including, but not limited to, its temperature, color, phase and flow rate;
 - 2) The pH of aqueous phases of the waste, or the pH of a 1:1 volume dilution of solid phases of the waste with distilled and buffered water;
 - 3) The flashpoint of liquid phases by the Pennsky-Martens Closed Cup test method, specified in ASTM Standard D-93-79 or D-93-80, incorporated by reference at Section 808.111, or by a Setflash Closed Cup tester, using the test method specified in ASTM standard D-3828-78, incorporated by reference at Section 808.111;
 - 4) Results of an EP toxicity test, as specified in 35 Ill. Adm. Code 721.124; and
 - 5) Density.

c) The waste shall be analyzed for its constituents as follows;

- 1) The analysis must include all materials introduced into each process generating the wastestream, and all materials which come into contact with products and materials produced by the process or in storage, including end products and impurities;
- 2) The analysis must include all constituents which will react with each other under the process conditions;
- 3) If available, the analysis must use the Chemical Abstracts Service (CAS) name and number for each constituent, or a name from the list of common names pursuant to Section 808.412. Otherwise, if the CAS name and number and such a common name is not available for the constituent, the person requesting classification shall provide a name and complete description of the constituent;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- 4) The analysis shall include a list of major constituents and concentrations which accounts for at least 99 percent of the mass of the waste. The list may include an entry for "other" or "unknown" if the significant trace constituents have been identified as provided in subsection (c)(5). The analysis shall list major constituents of the waste rounded to the nearest tenth of a percent, and shall be supported by a mass balance;
 - 5) Significant trace constituents. The generator shall include a list and the concentration of all significant trace constituents, as defined in Section 808.411; and
 - 6) The analysis shall identify all major constituents and significant trace constituents listed in 35 Ill. Adm. Code 721. Appendix H.
 - d) The analysis must report the average concentration or mass percentage and the expected range of each major constituent and significant trace constituent. The expected range is the 95 percent confidence intervals for each set of analyses for the constituent. The error analysis must take into account the following:
 - 1) Temporal variation in the wastestream properties;
 - 2) Uncertainties arising from sampling the waste; and
 - 3) Uncertainties arising from the method of analysis.
- Section 808.411 Significant Trace Constituents
- A significant trace constituent is a constituent revealed by analysis:
- a) Which is present at a mass concentration of less than 1 percent; and
 - b) Which has a toxicity, BiTi, as determined in Appendix B, of less than 500 mg/l.
- Section 808.412 Common Names
- The Agency shall utilize common names, together with a description of each, for constituents not amenable to chemical nomenclature.

BOARD NOTE: The purpose of this provision is to promote greater consistency in the naming of constituents. The Agency may use this mechanism to assign

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

common names to constituents. Such names might include: Sand, water, wood, foodstuff, etc. In addition, this mechanism can be used to assign a name and toxicological properties to complex mixtures after these have been determined for a wastestream or a type of waste-generating process.

Section 808.413 Wastestream Description

a) The wastestream description must include the following:

- 1) The name of the generator, if other than the original generator identified in the application for waste classification pursuant to Section 808.402(a)(1);
- 2) The name of the wastestream, as assigned by the Agency pursuant to Section 808.412, or as assigned by the generator, if no name has been assigned by the Agency;
- 3) A general description of the activity, production process or treatment process which gives rise to the waste;
- 4) A general description of the physical and chemical properties of the wastestream, including its anticipated annual volume.

BOARD NOTE: This description may be summary and narrative; detailed description of physical and chemical properties of the wastestream is governed by Section 808.410.

- b) The wastestream description may include a description of a range of physical and chemical properties of the wastestream, based on physical and chemical analysis pursuant to Section 808.410, that are associated with periodic, occasional or anticipated changes in the process which produces the waste (e.g., changes in materials used as coatings, bonding agents or solvents).

BOARD NOTE: The wastestream description differs from the waste analysis required pursuant to Section 808.410. The wastestream description should describe the waste which the applicant wishes to have classified, which may not be exactly what the applicant presently produces. The waste which is subjected to analysis must fit within the wastestream description, but need not be identical to all variations of it. To avoid having to necessarily repeat the waste classification process, the applicant should request classification of a broadly-defined and characterized wastestream, so as to cover any periodic, occasional or anticipated modification to the waste properties. However, this will tend to increase the degree of hazard ranking of the wastestream.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 808.420 Quality Assurance Plan

A quality assurance plan shall detail steps which the generator will take to ensure that the waste conforms with the wastestream description.

- a) The plan must include employee orientation measures, such as the following:

- 1) Assignment of responsibility for assuring compliance;
- 2) Employee training;
- 3) Work rules;
- 4) Posting of signs; and
- 5) Positioning of waste receptacles.

- b) The plan must include periodic and random inspection, sampling and analysis of the wastestream to ensure that it conforms with the wastestream description. The plan must be designed so that there is at least a 95 percent probability that loads meet the wastestream description. The plan may specify measures to be taken to account for variables in the properties by the wastestream, so as to prevent false negatives.

BOARD NOTE: The applicant should use statistical quality control to devise a plan with an inspection schedule which meets the above standard based on the properties and variability of the wastestream.

- c) The plan may provide for inspection, sampling and analysis by the permitted facility which receives the waste. If so, the plan must include a written agreement by the receiving facility that explicitly details what actions the receiving facility will undertake to fulfill the requirements of this Section.

BOARD NOTE: The permitted facility is required by permit and 35 Ill. Adm. Code 811 to inspect, sample and analyze the wastes it receives. This is distinct from similar activities undertaken by contract on behalf of the generator pursuant to this Section.

Section 808.430 Degree of Hazard Data

- a) The applicant shall submit its degree of hazard prediction, including the estimated toxic score and the information or data used to calculate the prediction, with the application.

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED RULES

SUBPART E: REVIEW OF CLASSIFICATION REQUESTS

Section 808.501 Order of Requesting Information

- a) If possible, the Agency shall categorize the wastestream without requesting or using degree of hazard data pursuant to Section 808.430. However, nothing herein shall preclude the Agency from requesting or using degree of hazard data to confirm the characteristics of the waste.

BOARD NOTE: For example, if the waste is a categorical waste, it should be assigned to the type for that category without resort to degree of hazard data.

- b) If, after requesting and receiving degree of hazard data pursuant to Section 808.430, the Agency still cannot determine the degree of hazard, the Agency shall request toxicological testing pursuant to Section 808.431.

Section 808.502 Completeness

- a) An incomplete application is one which, together with the Agency's database, has insufficient information to classify the waste.
- b) If the Agency determines that an application is incomplete, it shall classify the waste as a Class A special waste, unless the Agency determines, based on such information as is available, that the waste is a RCRA hazardous waste pursuant to 35 Ill. Adm. Code 721.

SUBPART F: WASTESTREAM CLASSIFICATION DETERMINATIONS

Section 808.520 Time for Agency Action

- a) The Agency shall issue a wastestream classification determination within 60 days after the date of receipt of a complete application.
- b) The applicant may waive the time for Agency action.
- c) As provided in Section 22.9(e) of the Act, IF THE AGENCY DENIES A REQUEST OR FAILS TO ACT WITHIN 60 DAYS AFTER RECEIPT OF THE REQUEST, THE APPLICANT MAY SEEK REVIEW BEFORE THE BOARD PURSUANT TO SECTION 40 OF THE ACT AS IF THE AGENCY HAD DENIED AN APPLICATION FOR A PERMIT.

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED RULES

BOARD NOTE: The applicant may include the results of a degree of hazard prediction performed by a computer program.

- b) The Agency may request additional data, if necessary to assign the waste to a class and the application contains inadequate information to determine the degree of hazard of the waste.

BOARD NOTE: If the Agency requests data, the request may include a computer-generated result of an attempt to perform the degree of hazard prediction, together with a specific request for needed data.

- c) Degree of hazard data shall include sufficient information to classify the waste pursuant to Section 808.245. In addition to the information normally obtained by the physical and chemical analysis required by Section 808.410, the degree of hazard data shall include, but shall not be limited to, the following with respect to each constituent:

- 1) Toxicity;
- 2) n-Octanol/water partition coefficient;
- 3) Persistence, measured as the half-life in days; and
- 4) Solubility in water, in parts per million on a weight basis.

Section 808.431 Toxicological Testing

- a) Except as otherwise authorized by Section 808.245(a), the Agency shall request that the applicant perform toxicological testing of components or of the waste pursuant to Appendix B of this Part, if a toxic score determination is necessary to assign the waste to a class and there is inadequate information in the Agency's data base to determine the toxic score.
- b) The applicant shall elect to include the results of toxicological testing of either the components of the waste or the waste itself.
- c) Testing required under subsection (a) shall be to determine an LD₅₀ - oral rat. The Agency shall approve alternative toxicological testing if the applicant demonstrates that an LD₅₀ - oral rat cannot be measured or is otherwise inappropriate. The applicant shall document the relation of the alternative test to an LD₅₀ - oral rat.

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED RULES

Section 808.521 Conditions of Wastestream Classification

The Agency shall include the following conditions in each wastestream classification determination:

- a) Wastestream description;
- b) Wastestream identification number assigned to the specific determination;
- c) Classification of the special waste;
- d) Limitations on the management of the waste, consistent with this Part, and 35 Ill. Adm. Code 809;
- e) A quality assurance plan;
- f) The expiration date, if any; and
- g) Such additional conditions as the Agency determines are necessary to assure that waste managed pursuant to the classification determination is of the class specified.

Section 808.522 Final Agency Action

Final Agency action shall consist of a final determination of a wastestream classification request. The Agency takes final action on the date the wastestream classification determination is mailed to the applicant.

SUBPART G: MODIFICATION, APPEAL AND ENFORCEMENT

Section 808.541 Request for Modification

If the application is a request for modification of a previous final wastestream determination, the applicant shall continue to manage waste pursuant to the old determination until it receives a final disposition of its request for a new determination.

Section 808.542 Appeal

- a) Within 35 days after the Agency's final action, the applicant may appeal a wastestream classification determination to the Board. Appeals under this Section shall be subject to the requirements of 35 Ill. Adm. Code 105.
- b) The record before the Board consists of the data base which was considered by the Agency at the time the Agency took final action. The applicant may supplement the record before the Board only

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED RULES

under one or more of the following conditions:

- 1) If the applicant attempted to submit the information into the data base before the Agency prior to filing its appeal to the Board; or

BOARD NOTE: This provision is intended to prevent the use of appeals to challenge the validity of degree of hazard data through the introduction of new information without the Agency having the opportunity to reconsider its determination based on that new information.

- 2) If the data base filed by the Agency is not complete with respect to materials identified in Section 808.302(b)(3).

Section 808.543 Effect of Classification

A wastestream classification provides the generator with a determination necessary to obtain a wastestream identification number or to modify a supplemental wastestream permit. A wastestream identification number and a supplemental wastestream permit are necessary for completion of manifests and reports required by this Part and 35 Ill. Adm. Code 809 and 807. The wastestream classification authorizes the generator, hauler and permitted facility to transport and manage waste meeting the wastestream description in accordance with regulations governing the transportation and management of special waste of the class provided in the classification determination.

Section 808.544 Enforcement

Any person may bring an action pursuant to Title VIII of the Act and 35 Ill. Adm. Code 103 to seek enforcement of the provisions of this Part. Penalties may be assessed upon a finding of violation, as provided in Title XII of the Act. Sanctions may include revocation of a wastestream classification determination.

Section 808.545 Modification

- a) A generator who has received a wastestream classification may request modification at any time by filing a new application. The generator shall file a new application whenever the waste it produces no longer meets the wastestream description.
- b) The Agency shall modify a wastestream classification whenever necessary to reflect amendments, repeals, or additions to the Act or 35 Ill. Adm. Code: Chapter I. The Agency shall give the generator at least 30 days prior written notice before it modifies a wastestream classification.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

SUBPART H: CATEGORICAL AND CHARACTERISTIC WASTES

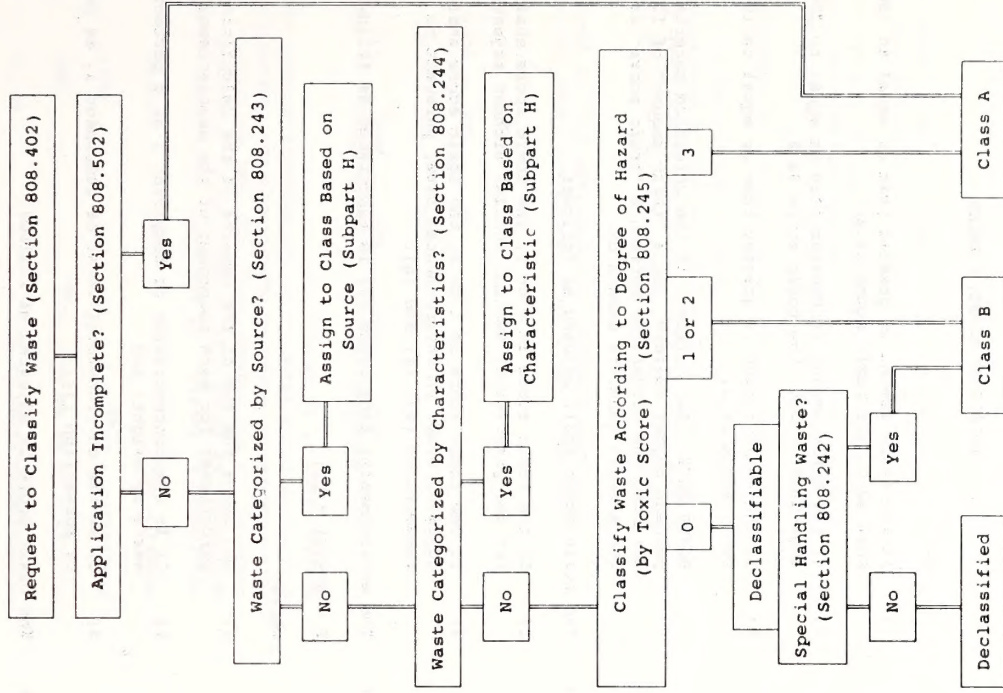
Section 808.600 Introduction

- a) This Subpart defines "categories of wastes" by the type of source or generator producing the waste, by the process from which the waste arises, or by name. This Subpart also defines categories of wastes as "characteristics wastes," based on physical or chemical properties.
- b) Categorical and characteristic special (non-RCRA) wastes are assigned to a category defined under this Subpart based on the similarity of the physical, chemical or biological properties of the wastes to those properties designated as representative of that category, regardless of the degree of hazard of the individual wastes or wastestreams.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 808.Appendix A Assignment of Special Waste to Classes



POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 808.Appendix B Toxicity Hazard

This Appendix describes the method by which a generator of special waste or the waste source shall determine the toxic score for a waste.

- a) The wastestream equivalent toxic concentration (Ceq) is calculated as follows:

$$Ceq = A * \text{SUM}(Ci / Bi * Ti)$$

where:

- 1) SUM means the sum of the results of the calculation in parentheses for each component of the wastestream;
- 2) Ci is the concentration of component i as a percent of the waste by weight;
- 3) Ti is a measure of the toxicity of component i, as provided in subsection (h);
- 4) A is a constant equal to 300; and

BOARD NOTE: A is a constant used to allow the entry of percent values for Ci, and to adjust the results so that a reference material, 100 percent copper sulfate, with an oral toxicity of 300 mg/kg, achieves an equivalent toxic concentration of 100.

- 5) Bi is a conversion factor used to convert the toxicity of component i (Ti) to an equivalent oral toxicity. Bi is determined from subsection (i).

- b) The toxic amount (M) is calculated as follows:

$$M = S * Ceq$$

where:

- 1) S is the maximum size of a wastestream shipment in kg/month (Such maximum size shall be specified as a condition of the wastestream classification.); and
- 2) Ceq is the equivalent concentration from subsection (a).

- c) The toxic score is calculated as follows:

- 1) If the toxic amount (M) is less than 100, the toxic score is

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

0.

- 2) If the toxic amount is greater than or equal to 100 and less than 1000, the toxic score is 1.
- 3) If the toxic amount is greater than or equal to 1000 and less than 10,000, the toxic score is 2.
- 4) If the toxic amount is greater than or equal to 10,000, the toxic score is 3.

BOARD NOTE: 100 kg/month of the reference material, 100 percent copper sulfate, has a "toxic amount" of 10,000, defining the borderline between a "toxic score" of 2 or 3 for a small quantity generator.

- d) The toxic score shall be used as follows:

- 1) If the toxic score is 0 or 3, the toxic score shall be used for the purposes of Section 808.245 without adjustment.
- 2) If the toxic score is 1 or 2, the toxic score shall be adjusted based on environmental fate, pursuant to subsections (e), (f) and (g).

- e) The environmental fate score (F) is calculated as follows:

$$F = \text{SUM}(Ci * Li)$$

where:

- 1) SUM means the sum of the results of the calculation in parentheses for each component of the wastestream;
- 2) Ci is the concentration of component i as a percent of the waste by weight; and
- 3) Li is the environmental level of component i, as determined by subsection (j).

- f) The toxic score is adjusted as follows:

- 1) If the environmental fate score (F) is less than 100, subtract 1 from the toxic score;
- 2) If the environmental fate score is greater than or equal to 100 and less than 200, the toxic score is not modified;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- 3) If the environmental fate score is greater than or equal to 200, add 1 to the toxic score.

- g) Use the toxic score or adjusted toxic score calculated pursuant to subsections (b) through (f) for the purposes of Section 808.245.

- h) Sources of toxicity data.

- 1) The generator is required to provide information to substantiate that any waste is other than a type A waste.

- 2) Carcinogens and mutagens. If available, use a TD_{50} oral rat to represent toxicity based on carcinogenicity and mutagenicity. Otherwise:

- A) Carcinogens are assigned a Ti of 0.1 mg/kg; and

- C) Mutagens are assigned a Ti of 0.6 mg/kg.

- 3) Toxicity values shall be selected according to the following criteria:

- A) Toxicities are converted to equivalent oral toxicities as specified in subsection (1);

- B) Toxicity values are ranked by source according to the following priorities, with the sources listed in descending order of priority:

- i) First oral rat, then inhalation rat, then dermal rabbit, then aquatic toxicity; or
 ii) If data from these bases is unavailable, then other mammalian toxicity values;

- C) If there is more than one toxicity value for the toxicity from the highest priority available source, the lowest (most toxic) equivalent oral toxicity value is used.

- i) Conversion factors for equivalent oral toxicities. The following conversion factors must be used to convert toxicity values to equivalent oral toxicities (Bi) (If a carcinogen or mutagen is assigned a value for Ti in the absence of a TD_{50} , Bi is assigned a value of 1.):

Toxicity measure

Units Bi

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Oral - LD_{50}

mg/kg 1.

Carcinogen/mutagen -- TD_{50}

mg/kg 1.

Aquatic - 48 or 96 hour LC_{50}

ppm 5.

Inhalation - LC_{50}

mg/l 25.

Dermal - LD_{50}

mg/kg 0.25

- j) Environmental levels. If the waste constituent is innocuous, the environmental level (Li) is equal to 0. Otherwise, Li for a component is the highest level for that constituent in the following table, based on bioaccumulation, persistence and solubility (If a value is on the boundary between ranges, the higher value of Li is used.):

	Bioaccumulation		Persistence		Solubility	
	Min.	Max.	Min.	Max.	Min.	Max.
	5	---	365	---	10,000	---
	4	5	30	365	1000	10,000
	0	4	0	30	0	1000

- 1) "Innocuous" waste constituents are those for which BiTi, as determined pursuant to subsection (a), is greater than 5000 mg/kg.

- 2) Bioaccumulation is measured as the logarithm to the base 10 of the n-octanol/water partition coefficient for the waste constituent, as measured pursuant to ASTM E 1147, incorporated by reference in Section 808.111.

- 3) Persistence is determined pursuant to subsection (k).

- 4) Solubility is measured as parts per million on a weight basis. Solubility may be measured pursuant to ASTM E 1148, incorporated by reference in Section 808.111.

- k) Persistence. If available, a value for persistence, measured pursuant to subsection (k)(1), must be used. Otherwise, the table of subsection (k)(2) must be used.

- 1) Persistence must be measured pursuant to ASTM E 896, incorporated by reference in Section 808.111.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- 2) Persistence may be estimated using the following table (The longest half-life indicated must be used for constituents which fit into more than one category.):

Type of Compound or Material	Half Life (days)
Metal, metal oxide or inorganic oxide	366
Inorganic salts	366
Asbestos	366
Clay	366
Plastics or polymers	366
Pesticides	366
Halogenated hydrocarbons	366
Polyaromatic hydrocarbons and biphenyls	366
Phthalate esters	366
Paper products	366
Fats, oils and greases	366
Resins and pigments	31
Aromatic and alicyclic hydrocarbons	31
Aliphatic hydrocarbons	1
More than 10 carbons	1
10 carbons or less	366
Waste constituents not otherwise listed	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: SPECIAL WASTE HAULING
- 2) Code Citation: 35 Ill. Adm. Code 809
- 3) Section Numbers: Adopted Action:

809.103	Amendment
809.211	Amendment
809.501	Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1005, 1010, 1013, 1022, 1022.01, 1022.9 and 1027.
- 5) Effective Date of Amendments: August 15, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference?

No. Existing provisions of 35 Ill. Adm. Code may include incorporations by reference, but the present amendments do not include any incorporations by reference.
- 8) Date filed in Board's Principal Office: Order adopted August 9, 1990.
- 9) Notice of Proposal Published in Illinois Register:

September 1, 1989, 13 Ill. Reg. 13699
- 10) Has JCRR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version:

The Board initially adopted the proposed rules and amendments by its Opinion and Order of August 10, 1989. That Order resulted in publication of the Notice of Proposed Amendments (for Part 809) and Notice of Proposed Rules (for Part 808) in the Illinois Register. The Board subsequently amended the proposal in an Interim Request for Public Comment (not published in the Illinois Register), dated October 18, 1989, and by the Second Notice Opinion and Order of November 15, 1989 (also not published in the Register). The Board included the primary text of those three documents as part of the Final Opinion dated August 9, 1990 that accompanied the Order which adopted the present rules and amendments. The Board's Opinions and Orders of October 18 and November 15, 1989 and August 9, 1990 discuss the revisions in detail. Interested persons can obtain copies of any of these documents by contacting the Board as indicated below. The Board requests that interested persons refer to docket R89-13(A) when requesting copies.

ILLINOIS REGISTER
POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

In general, the revisions deleted all matter not directly related to the Department of Energy and Natural Resources (IDENR) waste categorization study and special waste manifesting. They also attempt to clarify various aspects of the waste categorization system, they provide for a four-part manifest system and annual and quarterly reporting, and they provide for Illinois Environmental Protection Agency (IEPA) re-evaluation of past waste determinations within two years of when the amendments and rules become effective. Other revisions exempt water and wastewater treatment sludges that are already regulated under an IEPA-approved sludge management program from regulation under the solid waste rules, group wastes posing a moderate degree of hazard with those posing a low degree of hazard (as Class B special waste), eliminate many non-toxicity-based criteria for classification, revised certain dates, add and revise definitions, and correct typographic errors. The Opinion and Order of August 9, 1990 indicates exact location of each revision.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Yes. The Board received preliminary JCAR questions and comments on October 31, 1989 and received JCAR's general questions and problems on June 8 (Part 809) and 12 (Part 808), 1990. These resulted in revisions to the text of the rules. Conferences between Board staff and JCAR staff between June 18 and 20, 1990 resulted in additional revisions to the text of the proposed rules and amendments. The Board's Opinions and Orders of November 15, 1989 and August 9, 1990 discuss those revisions in detail. Interested persons can obtain copies of any of these documents by contacting the Board as indicated below. The Board requests that interested persons refer to docket R89-13(A) when requesting copies.

In general, the changes made in response to JCAR input effected corrections and clarifications to the text. The Opinion and Order of August 9, 1990 indicates the exact location of those revisions.

- 13) Will these amendments replace an emergency amendment currently in effect? No.

- 14) Are there any other amendments pending on this Part? No.

- 15) Summary and Purpose of amendments:

A complete description is contained in the Board's Opinion of August 9, 1990 in R89-13(A), which Opinion is available from the address below.

In general, the proposed amendments and rules effect a method for classification and declassification of special wastes based on their

ILLINOIS REGISTER
POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

degree of hazard, as suggested by a study submitted by IDENR. They also revise the special waste manifest requirements to allow the use and distribution of fewer manifest forms than in the past. Rather, the amendments and rules require submission of annual of quarterly reports to IEPA.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 809
SPECIAL WASTE HAULING

SUBPART A: GENERAL PROVISIONS

Authority, Policy and Purposes
Severability
Definitions

SUBPART B: SPECIAL WASTE HAULING PERMITS

Special Waste Hauling Permits - General
Applications for Special Waste Hauling Permit - Contents
Applications for Special Waste Hauling Permit - Signatures and Authorization
Action by the Agency
Special Waste Hauling Permit Conditions
Special Waste Hauling Permit Revision
Transfer of Special Waste Hauling Permits
Special Waste Hauling Permit Revocation
Permit No Defense
General Exemption from Special Waste Hauling Permit Requirements
Exemptions for Special Waste Haulers

SUBPART C: DELIVERY AND ACCEPTANCE

Requirements for Delivery of Special Waste to Haulers
Requirements for Acceptance of Special Waste from Haulers

SUBPART D: VEHICLE NUMBERS AND SYMBOLS

Vehicle Numbers
Special Waste Symbols

SUBPART E: MANIFESTS, RECORDS AND REPORTING

Manifests, Records, Access to Records, and Reporting Requirements and Forms

SUBPART F: DURATION OF PERMITS AND TANK NUMBERS

Duration of Special Waste Hauler Permits and Tank Numbers

Section
809.101
809.102
809.103

Section
809.201
809.202
809.203

Section
809.204
809.205
809.206
809.207
809.208
809.209
809.210
809.211

Section
809.301
809.302

Section
809.401
809.402

Section
809.501

Section
809.601

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

General Provision

SUBPART H: EFFECTIVE DATES

Compliance Date
Exceptions

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Definitions
Disposal Methods
Rendering Innocuous by Sterilization
Rendering Innocuous by Incineration
Recordkeeping Requirements for Generators
Defense to Enforcement Action

Appendix A Old Rule Numbers Referenced

AUTHORITY: Implementing Sections 5, 10, 13 and 22 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111, pars. 1005, 1010, 1013, 1022, and 1027).

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990.

Capitalization denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 809.103 Definitions

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111, pars. 1001, et seq.).

"Agency" means the Illinois Environmental Protection Agency.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Board" means the Illinois Pollution Control Board.

"DISPOSAL" MEANS THE DISCHARGE, DEPOSIT, INJECTION, DUMPING, SPILLING, LEAKING, OR PLACING OF ANY WASTE OR SPECIAL WASTE INTO OR ON ANY LAND OR WATER SO THAT SUCH WASTE OR SPECIAL WASTE OR ANY CONSTITUENT THEREOF MAY ENTER THE ENVIRONMENT OR BE EMITTED INTO THE AIR OR DISCHARGED INTO ANY WATERS, INCLUDING GROUND WATERS. (Section 3.08 of the Act.) (See "Waste", "Special Waste.")

"GARBAGE" MEANS THE WASTE RESULTING FROM THE HANDLING, PROCESSING, PREPARATION, COOKING, AND CONSUMPTION OF FOOD, AND WASTES FROM THE HANDLING, PROCESSING, STORAGE AND SALE OF PRODUCE. (Section 3.11 of the Act.) (See "Waste.")

"HAZARDOUS WASTE" MEANS A WASTE, OR COMBINATION OF WASTES, WHICH BECAUSE OF QUANTITY, CONCENTRATION, OR PHYSICAL, CHEMICAL, OR INFECTIOUS CHARACTERISTICS MAY CAUSE OR SIGNIFICANTLY CONTRIBUTE TO AN INCREASE IN MORTALITY OR AN INCREASE IN SERIOUS, IRREVERSIBLE, OR INCAPACITATING REVERSIBLE, ILLNESS; OR POSE A SUBSTANTIAL PRESENT OR POTENTIAL THREAT TO HUMAN HEALTH OR TO THE ENVIRONMENT WHEN IMPROPERLY TREATED, STORED, TRANSPORTED OR DISPOSED OF, OR OTHERWISE MANAGED, AND WHICH HAS BEEN IDENTIFIED, BY CHARACTERISTICS OR LISTING, AS HAZARDOUS PURSUANT TO SECTION 3001 OF RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, (42 U.S.C. 6901 ET SEQ.) OR PURSUANT TO AGENCY GUIDELINES CONSISTENT WITH THE REQUIREMENTS OF THE ACT AND BOARD REGULATIONS. (Section 3.15 of the Act.)

"INDUSTRIAL PROCESS WASTE" MEANS ANY LIQUID, SOLID, SEMI-SOLID OR GASEOUS WASTE, GENERATED AS A DIRECT OR INDIRECT RESULT OF THE MANUFACTURE OF A PRODUCT OR THE PERFORMANCE OF A SERVICE, WHICH POSES A PRESENT OR POTENTIAL THREAT TO HUMAN HEALTH OR TO THE ENVIRONMENT OR WITH INHERENT PROPERTIES WHICH MAKE THE DISPOSAL OF SUCH WASTE IN A LANDFILL DIFFICULT TO MANAGE BY NORMAL MEANS.

"INDUSTRIAL PROCESS WASTE" INCLUDES BUT IS NOT LIMITED TO SPENT PICKLING LIQUORS, CUTTING OILS, CHEMICAL CATALYSTS, DISTILLATION BOTTOMS, ETCHING ACIDS, EQUIPMENT CLEANINGS, PAINT SLUDGES, INCINERATOR ASHES, CORE SANDS, METALLIC DUST SWEEPINGS, ASBESTOS DUST, HOSPITAL PATHOLOGICAL WASTES AND OFF-SPECIFICATION, CONTAMINATED OR RECALLED WHOLESALERS OR RETAIL PRODUCTS. SPECIFICALLY EXCLUDED ARE UNCONTAMINATED PACKAGING MATERIALS, UNCONTAMINATED MACHINERY COMPONENTS, GENERAL HOUSEHOLD WASTE, LANDSCAPE WASTE AND CONSTRUCTION OR DEMOLITION DEBRIS. (Section 3.17 of the Act.)

"Manifest" means the form provided or prescribed by the Agency and used for identifying name, quantity, and the origin, routing, and destination of special waste during its transportation from the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

point of generation to the point of disposal, treatment, or storage, as required by this Part, 35 Ill. Adm. Code: Subtitle H, or by the Resource Conservation and Recovery Act of 1976, (42 U.S.C. 6901 et seq.) or regulations thereunder.

"Permitted Disposal Site" means a sanitary landfill or other type of disposal site including but not limited to a deep well, a pit, a pond, a lagoon or an impoundment which has a current, valid operating permit issued by the agency under Subpart B of this Part and a supplemental permit issued by the Agency under Subpart B of this Part specifically permitting the site to accept a special waste tendered for disposal.

"Permitted Storage Site" means any site used for the interim containment of special waste prior to disposal or treatment which has a current, valid operating permit issued by the Agency under Subpart B of this Part and a supplemental permit issued by the Agency under Subpart B of this Part, specifically permitting the site to accept a special waste tendered for storage.

"Permitted Treatment Site" means any site used to change the physical, chemical or biological character or composition of any special waste, including but not limited to a processing center, a reclamation facility or a recycling center which has a current, valid operating permit issued by the Agency under Subpart B of this Part and a supplemental permit issued by the Agency under Subpart B of this Part, specifically permitting the site to accept a special waste tendered for treatment.

"PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, CO-PARTNERSHIP, FIRM, COMPANY, CORPORATION, ASSOCIATION, JOINT STOCK COMPANY, TRUST, ESTATE, POLITICAL SUBDIVISION, STATE AGENCY, OR ANY OTHER LEGAL ENTITY OR THEIR LEGAL REPRESENTATIVE, AGENT OR ASSIGNEE. (Section 3.26 of the Act.)

"POLLUTION CONTROL WASTE" MEANS ANY LIQUID, SOLID, SEMI-SOLID OR GASEOUS WASTE GENERATED AS A DIRECT OR INDIRECT RESULT OF THE REMOVAL OF CONTAMINANTS FROM THE AIR, WATER OR LAND, AND WHICH POSE A PRESENT OR POTENTIAL THREAT TO HUMAN HEALTH OR TO THE ENVIRONMENT OR WITH INHERENT PROPERTIES WHICH MAKE THE DISPOSAL OF SUCH WASTE IN A LANDFILL DIFFICULT TO MANAGE BY NORMAL MEANS. "POLLUTION CONTROL WASTE" INCLUDES BUT IS NOT LIMITED TO WATER AND WASTEWATER TREATMENT PLANT SLUDGES, BAGOUSE DUSTS, SCRUBBER SLUDGES AND CHEMICAL SPILL CLEANINGS. (Section 3.27 of the Act.)

"Reclamation" means the recovery of material or energy from waste for commercial or industrial use.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Refuse" means any garbage or other discarded materials, with the exception of radioactive materials discarded in accordance with the provisions of the Radiation Protection Act (Ill. Rev. Stat. 1981, Ch. 111-1/24, par. 211-229 et seq.) and "AN ACT in relation to the concentration and storage of radioactive waste" (Ill. Rev. Stat. 1989, Ch. 111, par. 230.1-230.14 et seq.) as now or hereafter amended. (See "Waste.")

"Septic tank pumpings" means the liquid portions and sludge residues removed from septic tanks.

"SITE" MEANS ANY LOCATION, PLACE OR TRACT OF LAND AND FACILITIES USED FOR COLLECTION, STORAGE, DISPOSAL OR TREATMENT OF SPECIAL WASTE. (Section 3.43 of the Act.)

"Solid Waste" (see "Waste")

"Special Waste" means any "hazardous waste," "industrial process waste" or "pollution control waste" as defined in 35 Ill. Adm. Code 808.110. Special waste may be either "Class A" or "Class B," pursuant to 35 Ill. Adm. Code 808.245.

"Special Waste Hauler" means any person who transports special waste from any location.

"Spill" means any accidental discharge of special waste.

"Storage" means the interim containment of special waste prior to disposal or treatment.

"Tank" means any bulk container placed on or carried by a vehicle to transport special waste, including wheel mounted tanks.

"TREATMENT" MEANS ANY METHOD, TECHNIQUE OR PROCESS INCLUDING NEUTRALIZATION DESIGNED TO CHANGE THE PHYSICAL, CHEMICAL OR BIOLOGICAL CHARACTER OR COMPOSITION OF ANY SPECIAL WASTE SO AS TO NEUTRALIZE THAT WASTE OR SO AS TO RENDER THAT WASTE NONHAZARDOUS, SAFER FOR TRANSPORT, AMENABLE FOR RECOVERY, AMENABLE FOR STORAGE OR REDUCED IN VOLUME. "TREATMENT" INCLUDES ANY ACTIVITY OR PROCESSING DESIGNED TO CHANGE THE PHYSICAL FORM OR CHEMICAL COMPOSITION OF SPECIAL WASTE TO RENDER IT LESS DANGEROUS OR NONHAZARDOUS. "Treatment" also includes reclamation, re-use and recycling of special waste. (Section 3.49 of the Act.)

"Truck" means any unitary vehicle used to transport special waste.

"Truck tractor" means any motor vehicle used to transport special waste which is designed and used for drawing other vehicles and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Vehicle" means any device used to transport special waste in bulk or in packages, tanks or other containers.

"WASTE" MEANS ANY GARBAGE, REFUSE, SLUDGE FROM A WASTE TREATMENT PLANT, WATER SUPPLY TREATMENT PLANT, OR AIR POLLUTION CONTROL FACILITY OR OTHER DISCARDED MATERIAL, INCLUDING SOLID, LIQUID, SEMI-SOLID, OR CONTAINED GASEOUS MATERIAL RESULTING FROM INDUSTRIAL, COMMERCIAL, MINING AND AGRICULTURAL OPERATIONS, AND FROM COMMUNITY ACTIVITIES. "WASTE" AS HERE DEFINED DOES NOT INCLUDE SOLID OR DISSOLVED MATERIAL IN DOMESTIC SEWAGE, OR SOLID OR DISSOLVED MATERIAL IN IRRIGATION RETURN FLOWS, OR IN INDUSTRIAL DISCHARGES WHICH ARE POINT SOURCES SUBJECT TO PERMITS UNDER SECTION 402 OF THE FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. 1251 et seq.); OR SOURCE, SPECIAL NUCLEAR, OR BYPRODUCT MATERIAL AS DEFINED BY THE ATOMIC ENERGY ACT OF 1954 (42 U.S.C. 2011 et seq.); OR RADIOACTIVE MATERIALS DISCARDED IN ACCORDANCE WITH THE PROVISIONS OF "AN ACT in relation to personnel radiation monitoring" (Illinois Revised Statutes, 1981, Chapter 111, Par. 230.1 et seq.) approved August 16, 1963, as now or hereafter amended, AND AS AUTHORIZED BY REGULATIONS PROMULGATED PURSUANT TO THE "RADIATION PROTECTION ACT," (Ill. Rev. Stat. 1981, Ch. 111, Par. 211 et seq.); AS NOW OR HEREFTER AMENDED. "Waste" as here defined is intended to be consistent with the definition of "solid waste" set forth in Section 1004(27) of Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq. (27)). (Section 3.53 of the Act.)

(Source: Amended at 14 Ill. Reg. 14076, effective August 15, 1990)

SUBPART B: SPECIAL WASTE HAULING PERMITS

SUBPART B: GENERAL REQUIREMENTS FOR WASTE HAULERS

Section 809.211 Exemptions for Special Waste Haulers

The following persons need not obtain a special waste hauling permit or carry a manifest if they haul only the waste indicated:

- a) Any person licensed in accordance with the Private Sewage Disposal Licensing Act (Ill. Rev. Stat. 1981, Ch. 111, par. 116.301 et seq.) and who hauls only septic tank pumpings need not obtain a special waste hauling permit or carry and complete a manifest under this Part.
- b) Any person who hauls only livestock waste intended for land

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

application pursuant to Agency guideline WPC-2 need not obtain a special waste hauling permit or carry and complete a manifest under this Part 35 Ill. Adm. Code 560.

- c) ~~Generators and haulers of municipal water or wastewater treatment plant sludge which is to be applied to land and which is regulated under 35 Ill. Adm. Code, Subtitle C pursuant to a sludge management scheme approved by the Agency pursuant to 35 Ill. Adm. Code 309.208 need not obtain a special waste hauling permit or prepare, carry and complete a manifest under this Part for that sludge.~~

- d) Any person licensed in accordance with "An Act in relation to the Disposal of Dead Animals," (Ill. Rev. Stat. 7 1981, 9, ch. 8, par. 149.1 et seq. 7) and who hauls only grease, meat packing scraps, dead animals and parts of animals for delivery to a renderer, need not obtain a special waste hauling permit or carry and complete a manifest under this Part.

- e) Any person operating under rules and regulations adopted pursuant to "An Act in relation to Oil, Gas, Coal and Other Surface and Underground Resources," (Ill. Rev. Stat. 7 1981, 9, ch. 96, par. 5401 et seq. 7) and who hauls only oil and gas extraction wastes as defined therein need not obtain a special waste hauling permit or carry and complete a manifest under this Part in that Act.

- f) Any person who hauls only radioactive wastes as defined by the Radiation Protection Act 7 (Ill. Rev. Stat. 1981, 9, ch. 111, par. 211 et seq. 1).

- g) Any person holding a permit or certificate issued by the Illinois Commerce Commission or the Interstate Commerce Commission and who handles only shipments pursuant to a bill of lading in accordance with such Commission's regulations need not obtain a special waste hauling permit or carry and complete a manifest under this Part.

- h) Any person who hauls only coal combustion fly ash need not obtain a special waste hauling permit or carry and complete a manifest under this Part.

- i) Any person who hauls only declassified waste or refuse.

- ii) Any person who hauls only special waste exempted by 35 Ill. Adm. Code 808.123 (small quantity generators).

(Source: Amended at 14 Ill. Reg. 14076, effective August 15, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: MANIFESTS, RECORDS AND REPORTING

Section 809.501 Manifests, Records, Access to Records, and Reporting Requirements and Forms

- a) Any person who delivers special waste to a permitted special waste hauler shall complete a manifest to accompany the special waste from delivery to the destination of the special waste. The manifest which shall be provided or prescribed by the Agency shall, as a minimum, contain the name of the generator of the special waste; when and where generated; name of the person from whom delivery is accepted and the name of the site from which delivered; the name of the special waste hauler; the date of delivery; the final disposal, storage or treatment site; and the name, classification and quantity of the special waste delivered to the hauler. The Agency may provide or prescribe a different form of manifest for Class A special wastes than for Class B special wastes.

- b) The manifest shall consist of four parts, in contrasting colors, such that an entry or signature on one part will be directly reproduced upon all underlying parts. The top part of the manifest shall be signed by the person who delivers special waste to a special waste hauler, such signature acknowledging such delivery. The top part of the manifest shall also be signed by the special waste hauler, such signature acknowledging receipt of the special waste. The person who delivers special waste to a special waste hauler shall submit a copy of each completed, signed manifest received during that period to the Agency, and shall retain one copy of the top part of the manifest as a record. The remaining four copies of the manifest shall accompany the special waste shipment. At the destination, the second part of the manifest shall be signed by the person who accepts special waste from a special waste hauler, such signature acknowledging acceptance of the special waste.

- c) A permitted site which receives special waste for disposal, storage or treatment of special waste must be designated on the manifest as the final destination point. Any subsequent delivery of the special waste or any portion or product thereof to a special waste hauler shall be conducted under a manifest initiated by the permitted disposal, storage or treatment site.

- d) In all cases, the special waste hauler shall deliver the three copies of the manifest to the person who accepts delivery of special waste from the hauler. The special waste hauler shall retain one copy of the second part of the completed, signed manifest as a record of delivery to a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

permitted disposal, storage or treatment site. In addition, at the end of each month, or such longer period of time approved by the Agency, the owner and the operator of the permitted disposal, storage or treatment site who accepts special waste from a special waste hauler shall submit a copy of each completed, signed manifest received during that period to the Agency, and shall send the fourth part of the completed manifest to the person who delivered the special waste to the special waste hauler.

- e) Every person who delivers special waste to a special waste hauler, every person who accepts special waste from a special waste hauler and every special waste hauler shall retain a copy of their respective parts of the special waste manifest as a record of all special waste transactions. These copies shall be retained for three years and shall be made available at reasonable times for inspection and photocopying by the Agency.

BOARD NOTE: The manifest requirements of 35 Ill. Adm. Code 722, 724 and 725 relative to RCRA hazardous wastes are not affected by this subsection. Generators and receiving facilities subject to those Parts shall continue to supply copies of all manifests to the Agency.

- f) Every person who delivers Class A special waste to a special waste hauler, and every person who accepts Class A special waste from a special waste hauler shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar quarter. Such reports shall, at a minimum, include the information specified in subsections (h) and (i) of this Section and be mailed no later than the tenth day of the month following the end of the calendar quarter. This subsection shall be applicable to all Class A special wastes which are delivered to a special waste hauler on or after January 1, 1991.

- g) Every person who delivers Class B special waste to a special waste hauler, and every person who accepts Class B special waste from a special waste hauler shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding year, ending on August 1. Such reports shall, at a minimum include the information specified in subsection (h) of this Section and shall be mailed no later than October 1, i.e., two months following the end of the preceding year. This subsection shall be applicable to all Class B special wastes which are delivered to a special waste hauler on or after January 1, 1991.

- h) Every quarterly or annual report required to be filed with the Agency by a generator pursuant to subsection (f) or (g) of this

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section shall include the following:

- 1) The IEPA identification number, name and address of the generator.
 - 2) The period (calendar quarter or year) covered by the report.
 - 3) The IEPA identification number, name and address for each off-site treatment, storage or disposal facility in the United States to which waste was shipped during the period.
 - 4) The name and IEPA identification number of each transporter used during the period for shipments to a treatment, storage or disposal facility within the United States.
 - 5) The IEPA supplemental permit identification number issued for the wastestream shipped off-site.
 - 6) The total quantity of each wastestream shipped off-site, listed by IEPA identification number of each receiving site; and
 - 7) A certification signed by the generator or the generator's authorized representative.
- 1) Every quarterly or annual report required to be filed with the Agency by a person accepting special waste from a waste hauler pursuant to subsection (f) or (g) of this Section shall include the following information:
- 1) The IEPA identification number, name and address of the facility.
 - 2) The period (calendar quarter or year) covered by the report.
 - 3) For off-site facilities, the IEPA identification number of each hazardous waste generator from which the facility received a non-hazardous special waste during the period; for imported shipments, the report must give the name and address of the foreign generator.
 - 4) A description and the quantity of each non-hazardous special waste the facility received from off-site during the period. This information must be listed by IEPA identification number of each generator.
 - 5) The method of treatment, storage or disposal for each non-hazardous special waste; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 61 A certification signed by the owner or operator of the facility or the owner or operator's authorized representative.

(Source: Amended at 14 Ill. Reg. 14076 , effective August 15, 1990)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Barber, Cosmetology and Esthetics Act of 1985

- 2) Code Citation: 68 Ill. Adm. Code 1175

- | 3) <u>Section Numbers:</u> | <u>Adopted Action:</u> | <u>Section Numbers:</u> | <u>Adopted Action:</u> |
|----------------------------|------------------------|-------------------------|------------------------|
| 1175.100 | Amending | 1175.830 | Adding |
| 1175.700 | Adding | 1175.835 | Adding |
| 1175.705 | Adding | 1175.840 | Adding |
| 1175.710 | Adding | 1175.845 | Adding |
| 1175.715 | Adding | 1175.850 | Adding |
| 1175.720 | Adding | 1175.855 | Adding |
| 1175.725 | Adding | 1175.860 | Adding |
| 1175.730 | Adding | 1175.865 | Adding |
| 1175.735 | Adding | 1175.870 | Adding |
| 1175.800 | Adding | 1175.875 | Adding |
| 1175.805 | Adding | 1175.900 | Adding |
| 1175.810 | Adding | 1175.905 | Adding |
| 1175.815 | Adding | 1175.910 | Adding |
| 1175.820 | Adding | 1175.915 | Adding |
| 1175.825 | Adding | | |

- 4) Statutory Authority: The Barber, Cosmetology and Esthetics Act (Ill. Rev. Stat. 1989, ch. 111, par. 1703-7)

- 5) Effective Date of Rule: August 20, 1990

- 6) Do these amendments contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: August 10, 1990

- 9) Date Notice of Proposal Published in Illinois Register: November 13, 1989, 13 Ill. Reg. 17190

- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Difference(s) between proposal and final version:

Section 1175.700--(a)(2), "3-3A" changed to "3A-2"; (a)(2)(B) change "6" months to "5" months; (b)(1) change "3A-3" to "3A-2".

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

In Sections 1175.705(b)(6), 1175.815(b) and 1175.715(c)(2), the following text was added after "used of machines": "(electrical heating mask, steamer, decrustation machine, etc.)."

In Section 1175.715(d), "However, a cosmetologist cannot call himself an esthetician nor can a cosmetology teacher call himself an esthetics teacher." has been deleted. Also "these rules" has been changed to "this Part".

In Section 1175.730(c) and 1175.735(b)(8), "(as determined by the laws of that jurisdiction)" was added after "practice".

Section 1175.805--delete subsection (a) in its entirety. Subsection (b) is now "(a)" and reads as follows: "Existing cosmetology schools who wish to provide esthetics instruction shall:" "1) provide 200 square feet of space to accommodate five work stations. For enrollment over 10, the school must provide an additional 40 square feet which includes a work station and facial chair. The use of this space shall not reduce the square footage for the conduct of an approved cosmetology school below the minimum requirements set forth in this Part." In subsection b)(4)(C) delete "two" and delete "s" from station and in (e) change "15" to "20".

The word "properly" was deleted from Section 1175.810(a)(2).

Section 1175.835--(a)(1) change "75" to "100" and add "and practical application" after "general theory"; in (a)(3) change "500" to "475"; and in (b) change "75" to "100" and add "practical application" after "general theory". Also in subsection (b), "

Section 1175.875(a)(8) change "Illinois State Scholarship Commission" to "Illinois Student Assistance Commission".

Change Section 1175.1015 to Section 1175.915.

Numerous technical changes were made in these amendments based on recommendations from the Administrative Code Division and the Joint Committee on Administrative Rules.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect? Yes

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: These proposed amendments implement Sections 3A, 3B and 4 of the Act which pertain to esthetic licensure, esthetic teacher licensure, continuing education sponsor approval and esthetic school approval. More specifically, these proposed amendments concern application for licensure, fees, program approval, curriculum requirements, examination requirements, continuing education requirements, renewal, endorsement, and restoration of a license.

16) Information and questions regarding the adopted amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1175
THE BARBER, COSMETOLOGY AND ESTHETICS ACT OF 1985

SUBPART A: GENERAL

Section

1175.100 Fees
1175.105 English Translations
1175.110 Granting Variances

SUBPART B: BARBER

1175.200 Examination - Barber
1175.205 Examination - Barber Teacher
1175.210 Examination Requirements
1175.215 Application for Licensure
1175.220 Endorsement
1175.225 Renewals
1175.230 Restoration - Barber
1175.235 Restoration - Barber Teacher

SUBPART C: BARBER SCHOOLS

1175.300 School Approval Application
1175.305 Physical Site Requirements
1175.310 Student Contracts
1175.315 Advertising
1175.320 Recordkeeping - Transcripts
1175.325 Recordkeeping - Hours Earned
1175.330 Curriculum Requirements - Barber
1175.335 Curriculum Requirements - Barber Teacher
1175.340 Final Examination
1175.345 Change of Ownership
1175.350 Change of Location
1175.355 Change of Name
1175.360 Expansion
1175.365 Discontinuance of Program
1175.370 Withdrawal of Approval

SUBPART D: COSMETOLOGY

1175.400 Examination - Cosmetology
1175.405 Examination - Cosmetology Teacher

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1175.410 Examination Requirements
1175.415 Application for Licensure
1175.420 Endorsement
1175.425 Renewals
1175.430 Restoration - Cosmetology
1175.435 Restoration - Cosmetology Teacher

SUBPART E: COSMETOLOGY SCHOOLS

1175.500 School Approval Application
1175.505 Physical Site Requirements
1175.510 Student Contracts
1175.515 Advertising
1175.520 Recordkeeping - Transcripts
1175.525 Recordkeeping - Hours Earned
1175.530 Curriculum Requirements - Cosmetology
1175.535 Curriculum Requirements - Cosmetology Teacher
1175.540 Final Examination
1175.545 Change of Ownership
1175.550 Change of Location
1175.555 Change of Name
1175.560 Expansion
1175.565 Discontinuance of Program
1175.570 Withdrawal of Approval

SUBPART F: CONTINUING EDUCATION - COSMETOLOGY/COSMETOLOGY TEACHER

1175.600 Sponsor Approval
1175.605 Department Supervision
1175.610 Credit Hours
1175.615 Waiver of Continuing Education Requirements

SUBPART G: ESTHETICS

1175.700 Examination - Esthetics
1175.705 Examination - Esthetics Teacher
1175.710 Examination Requirements
1175.715 Application for Licensure
1175.720 Endorsement
1175.725 Renewals
1175.730 Restoration - Esthetics
1175.735 Restoration - Esthetics Teacher

SUBPART H: ESTHETICS SCHOOLS

1175.800 Esthetics School Application
1175.805 Cosmetology Schools Approved to Teach Esthetics
1175.810 Physical Site Requirements
1175.815 Student Contracts

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1175.820 Advertising
 1175.825 Recordkeeping - Transcripts
 1175.830 Recordkeeping - Hours Earned
 1175.835 Curriculum Requirements - Esthetics
 1175.840 Curriculum Requirements - Esthetics Teacher
 1175.845 Final Examination
 1175.850 Change of Ownership
 1175.855 Change of Location
 1175.860 Change of Name
 1175.865 Expansion
 1175.870 Discontinuance of Program
 1175.875 Withdrawal of Approval

SUBPART I: CONTINUING EDUCATION - ESTHETICIAN/ESTHETICS TEACHER

1175.900 Sponsor Approval
 1175.905 Department Supervision
 1175.910 Credit Hours
 1175.915 Waiver of Continuing Education Requirements

AUTHORITY: Implementing the Barber, Cosmetology and Esthetics Act of 1985 (Ill. Rev. Stat. 1989, ch. 111, par. 1701-1 et seq.) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)).

SOURCE: Adopted at 12 Ill. Reg. 20488, effective November 29, 1988; emergency amendments at 13 Ill. Reg. 6810, effective April 10, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15034, effective September 7, 1989; amended at 14 Ill. Reg. 14090, effective August 20, 1990.

SUBPART A: GENERAL

Section 1175.100 Fees

- a) Certificate of Registration ("Certificate") as a Registered Cosmetologist, Barber, Esthetician, Cosmetology Teacher, ~~or~~ Barber Teacher or Esthetics Teacher.

- 1) Certificate of Registration. The fee for application for a certificate of registration is \$25.
- 2) Examination applicants for any examination shall be required to pay, either to the Department of Professional Regulation ("the Department") or to the designated testing service, a fee covering the cost of providing the examination.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 3) Renewal. The fee for renewal of a certificate of registration shall be calculated at the rate of \$20 per year.
- 4) Restoration. The fee for restoration for a certificate of registration is \$10 plus payment of all lapsed renewal fees, but not to exceed \$110.
- 5) The fee for restoration of a cosmetologist certificate of registration from inactive status is the current renewal fee.
- 6) Endorsement. The fee for a certificate of registration for a cosmetologist, barber, esthetician, cosmetology teacher, ~~or~~ barber teacher, or esthetics teacher licensed under the laws of another jurisdiction is \$35.
- b) Certificate as a Registered Cosmetology School, ~~or~~ Barber School, or Esthetics School

- 1) Certificate of Registration. The fee for a certificate of registration is \$50 plus the cost to provide the inspection (\$50).
- 2) Change of Ownership. The fee for a certificate resulting from a change of ownership is \$50 plus the cost to provide the inspection (\$50).
- 3) Change of Location. The fee for a certificate resulting from a change of location is \$50 plus the cost to provide the inspection (\$50).
- 4) Change of Name. The fee for a certificate resulting from a change of name is \$20.
- 5) Renewal. The fee for renewal of a certificate of registration shall be calculated at \$100 per year.

c) General Fees

- 1) Duplicate/Replacement. The fee for the issuance of a duplicate or replacement certificate is \$20.
- 2) Change of Name or Address. The fee for issuance of a certificate with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no certificate is issued.
- 3) Certification of Record. The fee for certification of a registrant's record for any purpose is \$20.
- 4) Wall Certificate. The fee for a wall certificate showing registration is the actual cost of producing such a certificate.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 5) The fee for a roster of persons registered as cosmetologists, cosmetology teachers, barbers, barber teachers, estheticians, esthetics teachers, cosmetology schools, and esthetics schools, and barber schools is the actual cost of producing such a roster.
- 6) The fee to place a cosmetology license on inactive status, other than during renewal, is \$20.

(Source: Amended at 14 Ill. Reg. 14090 effective August 20, 1990)

SUBPART G: ESTHETICS

Section 1175.700 Examination - Esthetics

- a) Eligibility. Each applicant must meet the following requirements:

- 1) 16 years of age.
- 2) pursuant to Section 3A-2 of the Act:
 - A) high school or its equivalent or beyond the age of compulsory school attendance; and
 - B) graduation from an esthetics school approved by the Department or a cosmetology school approved by the Department to teach esthetics in accordance with Subpart H of this Part, which includes 750 hours in the study of esthetics extending over a period of not less than 5 months nor more than 2 years.

- b) Application. Each applicant shall file an application for examination, on forms provided by the Department, at least 45 days prior to an examination date. The application shall include:

- 1) An official transcript showing successful completion of the required training outlined in subsection (a) above and a passing grade on the final examination administered by the school as set forth in Section 1175.840; or official transcripts showing successful completion of remedial training (125 hour refresher course) when required by Section 3A-2 of the Act;
- 2) Proof of any name change (i.e. marriage license, divorce decree, affidavit or court order);
- 3) A complete work history since graduation from an esthetics school or a cosmetology school approved to teach esthetics; and
- 4) The required fee.

(Source: Added at 14 Ill. Reg. 14090 effective August 20, 1990)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.705 Examination - Esthetics Teacher

- a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3A-3 of the Act prior to filing an application for the esthetics teacher examination:

- 1) 18 years of age;
- 2) graduation from high school or its equivalent;
- 3) hold a current certificate of registration as a registered cosmetologist or esthetician;
- 4) Either:
 - A) completion of 500 hours of teacher training in an approved cosmetology or esthetics school and had 2 years of experience as a licensed cosmetologist or esthetician within 5 years preceding application; or
 - B) completion of 1000 hours of teacher training in an approved cosmetology or esthetics school.

- b) Application. Each applicant shall file an application, on forms provided by the Department, at least 45 days prior to an examination date. The application shall include:

- 1) Proof of any name change (i.e. marriage license, divorce decree, affidavit, or court order);
- 2) The required fee;
- 3) Either:
 - A) An official transcript from an approved school of esthetics or cosmetology showing successful completion of 500 hours of teacher training as outlined in Section 1175.535 or 1175.835 of this Part and two employment verification forms showing at least 2 years of the last 5 years preceding the examination of practical experience as a registered esthetician or cosmetologist; or
 - B) An official transcript from an approved school of esthetics or cosmetology (see Subpart H or Subpart E) showing successful completion of 1000 hours of teacher training as outlined in Section 1175.535 or 1175.835 of this Part.
- 4) A complete work history since graduation from an esthetics or cosmetology school; and

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 5) A copy of the applicant's current Illinois esthetician or cosmetology license.
- 6) Persons who hold a cosmetologist's license shall be required to submit a certificate of competency in the use of machines (electrical heating mask, steamer, decrustation machine, etc.) utilized in the practice of esthetics. Such certificate shall be from the school of cosmetology or esthetics or the manufacturer of such machines used in esthetics.
- 7) If licensed in another state, a certification of licensure from the state of original licensure and from the state of current licensure of most recent practice.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.710 Examination Requirements

- a) A separate examination shall be administered by the Department or its designated testing service for estheticians and esthetics teachers and shall cover subject matter as set forth in Section 3A-5 of the Act.
- b) The passing grade on each examination is 75.
- c) Retakes

- 1) An applicant who fails to pass a second examination must submit an official transcript from a cosmetology school approved to teach esthetics or an esthetics school approved by the Department showing successful completion of a 125 hour refresher course prior to taking the examination a third time.

- 2) An applicant upon failing the fifth examination, must submit an official transcript from an approved esthetics or cosmetology school showing successful repetition of the entire course of esthetics training prior to taking the examination a sixth time.

- 3) For purposes of the examination retakes, the sixth attempt shall count as the first.

- 4) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (1) and (2) above.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.715 Application for Licensure

- a) Applicants for licensure based on examination shall submit to the Department:
 - 1) A signed and completed licensure application which the applicant will receive with the notification of successful completion of the examination;
 - 2) Proof of name change (i.e. marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and
 - 3) The required fee.

- b) Cosmetology teachers licensed in Illinois who are applying for an esthetics teacher's license will not be required to take the examination set forth in Section 1175.705. An application shall be submitted to the Department which includes:
 - 1) a copy of their current cosmetology and cosmetology teacher license;
 - 2) a complete work history since completion of teacher training;
 - 3) certificate of competency in the use of machines (electrical heating mask, steamer, decrustation machine, etc.) utilized in the practice of esthetics. Such certificate shall be from the school of cosmetology or esthetics or the manufacturer of such machines used in esthetics; and
 - 4) the required fee.

- c) A licensed cosmetology teacher who will be teaching esthetics in an approved esthetics school or in a cosmetology school approved to teach esthetics, however, will be required to submit a written request to the Department notifying it of their intent to teach esthetics. The written request shall be accompanied by:
 - 1) a copy of their cosmetology teacher license; and
 - 2) a certificate of competency in the use of machines (electrical heating mask, steamer, decrustation machine, etc.) utilized in the practice of esthetics. Such certificate shall be from the school of cosmetology or esthetics or the manufacturer of such machines used in esthetics.

- 3) The Department shall issue a letter of authority to the individual that they are approved to teach esthetics in Illinois.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- d) Nothing in this Part requires a licensed cosmetologist or licensed cosmetology teacher to obtain a license to practice or to teach esthetics.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.720 Endorsement

- a) An applicant who is currently licensed as an esthetician in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:

- 1) A certification from the jurisdiction of original licensure stating:
 - A) The number of esthetics training hours received;
 - B) A brief description of any licensure examination taken and the grades received; and
 - C) Whether the applicant's file contains any record of disciplinary actions taken or pending.
- 2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed.
- 3) Certification of current licensure if other than original licensure.
- 4) A complete work history showing all employment since graduation from esthetics school to present.
- 5) Proof of any name change (i.e. marriage license, divorce decree, affidavit or court order) if name is other than that shown on attached documents;
- 6) The required fee; and
- 7) A copy of the licensing act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in the application review. The Department will make such a request if the application materials are incomplete.

- b) An applicant who is currently licensed as an esthetics teacher in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) A certification from the jurisdiction of original licensure stating:
 - A) The number of esthetics teacher training hours received;
 - B) A brief description of any licensure examination taken and the grades received; and
 - C) Whether the applicant's file contains any record of disciplinary action taken or pending.
 - 2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed.
 - 3) Certification of current licensure if other than original licensure;
 - 4) Two Verification of Employment forms shall be submitted by the applicant who completed at least 500 hours of teacher training but less than 1000 hours. An esthetics teacher applicant shall cause verification of two years of lawful practice as an esthetician to be submitted.
 - 5) A complete work history showing all employment since graduation from basic esthetics school to present;
 - 6) Proof of name change (i.e. marriage license, divorce decree, affidavit, or court order) if name is other than that shown on any of the documents submitted;
 - 7) A copy of the applicant's current Illinois esthetician or cosmetologist license;
 - 8) The required fee; and
 - 9) A copy of the licensing act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in the application review. The Department will make such a request if the application materials are incomplete.
- c) An applicant for licensure as an esthetician who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month period during which he was lawfully employed as an esthetician. To obtain credit for work experience, the applicant must submit verification of employment in support of the work experience on forms provided by the Department. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- d) An applicant applying for licensure as an esthetician or esthetics teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.710(c). The successful completion of the substantially equivalent examination and fulfillment of applicable requalification requirements must occur after the most recently failed examination attempt in Illinois.

(Source: Added at 14 Ill. Reg. 14090 effective August 20, 1990)

Section 1175.725 Renewals

- a) Every license issued under the Act shall expire as follows:

- 1) Esthetics teacher and esthetics school licenses shall expire on September 30 of each even numbered year.
- 2) Esthetician licenses shall expire on September 30 of each odd numbered year.
- 3) The holder of a certificate of registration may renew such certificate during the month preceding its expiration date.

- b) Applicants for renewal shall:

- 1) Return a completed renewal application.
- 2) Esthetician. Certify on the renewal application to successful completion of a minimum of 10 hours of continuing education from an esthetics continuing education sponsor approved by the Department, in accordance with Section 1175.900 of this Part, within the 2 years prior to the expiration date of the license:
- A) For the September 30, 1993 renewal, each individual who applies for renewal of their esthetics license, other than first time renewal applicants, will be required to complete 10 hours of continuing education in accordance with Subpart I.
- B) A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.
- C) The Department may require additional evidence demonstrating compliance with the CE requirements (i.e. certificate of attendance or

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

- D) Estheticians who also hold an esthetics teacher license may elect to obtain their continuing education hours from an esthetics teacher continuing education sponsor approved by the Department in accordance with Section 1175.900 of this Part. These hours, if applied toward the fulfillment of subsection 2(A) above, cannot also be used toward the fulfillment of the esthetics teacher continuing education requirement. In addition, the hours must be earned during the appropriate prerenewal period.
- 3) Esthetics Teacher. Certify on the renewal application to successful completion of a minimum of 10 hours of continuing education from an esthetics teacher continuing education sponsor approved by the Department, in accordance with Section 1175.900 of this Part, within the 2 years prior to the expiration date of the license:

- A) For the September 30, 1994 renewal, each individual who applies for renewal of their esthetics teacher license, other than first time renewal applicants, will be required to complete 10 hours of continuing education in accordance with Subpart I.
- B) A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.
- C) The Department may require additional evidence demonstrating compliance with the CE requirements (i.e. certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

- 4) Submit the required fee.
- 5) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license.
- 6) Practicing or operating on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Added at 14 Ill. Reg. 14090 effective August 20, 1990)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.730 Restoration - Esthetics

a) A person applying for restoration of his license as an esthetician which has been expired for less than 5 years shall submit an application on forms provided by the Department; and

- 1) pay the required fee; and
- 2) provide evidence of successful completion of 10 hours of continuing education in accordance with Section 1175.900(b) of this Part, earned within the 2 years immediately preceding the restoration, if restoring on or after September 30, 1993.
- 3) If restoring after active military service, the applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.

b) A person applying for restoration of his license as an esthetician which has been expired for 5 years or more shall submit an application on forms provided by the Department along with:

- 1) Verification of employment attesting to lawful practice in another jurisdiction within the 5 years preceding application for restoration;
- 2) Certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed;
- 3) A complete work history showing all employment since the Illinois license lapsed or was placed on inactive status;
- 4) A completed Restoration Questionnaire;
- 5) Evidence of successful completion of 10 hours of continuing education earned within the 2 years immediately preceding restoration; and
- 6) The required fee.
- 7) If restoring from active military service, a copy of the applicant's DD-214 must be submitted and the current renewal fee.

c) An applicant for restoration who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful completion of a 125 hour esthetics refresher course from an approved cosmetology or esthetics school. An applicant who completes this refresher course shall not also be required to complete 10 hours of continuing education.

(Source: Added at 14 Ill. Reg. 14090 effective August 20, 1990)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.735 Restoration - Esthetics Teacher

a) A person applying for restoration of his license as an esthetics teacher which has been expired for less than 5 years shall submit an application on forms provided by the Department; and

- 1) pay the required fee; and
- 2) provide evidence of successful completion of 10 hours of continuing education in accordance with Section 1175.900(d) earned within the 2 years immediately preceding the restoration, if restoring on or after September 30, 1994.
- 3) If restoring after active military service, the applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.

b) A person applying for restoration of his certificate as an esthetics teacher which has been expired for 5 years or more shall submit an application on forms provided by the Department, along with:

- 1) verification of employment attesting to lawful esthetics teaching practice in another jurisdiction within the 5 years preceding application for restoration;
- 2) a certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed;
- 3) a complete work history showing all employment since the Illinois esthetics teacher license lapsed;
- 4) a completed restoration questionnaire;
- 5) a copy of the applicant's current Illinois esthetician or cosmetology license; and
- 6) the required fee.
- 7) If restoring after active military service, a copy of the applicant's DD-214 form, and the current renewal fee.

8) An applicant for restoration who has not maintained a lawful esthetics teaching practice (as determined by the laws of that jurisdiction) in another jurisdiction shall submit official transcripts showing successful completion of a 125 hour teacher refresher course from an approved esthetics or cosmetology school. An applicant who completes this refresher course shall not also be required to complete 10 hours of continuing education.

(Source: Added at 14 Ill. Reg. 14090 effective August 20, 1990)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: ESTHETICS SCHOOLS

Section 1175.800 Esthetics School Application

- a) An applicant for an esthetics school license shall submit a completed application to the Department with the following information and documentation:

- 1) a detailed floor plan consistent with the requirements of Section 1175.810(a)(1) of this Part;
 - 2) a copy of a lease showing at least a one year commitment to the use of the school site or certification of ownership of the proposed school site;
 - 3) if owner is a corporation, a copy of the Articles of Incorporation;
 - 4) if owner is a partnership, a listing of all partners and their current addresses;
 - 5) a signed fire inspection report giving approval for use of the site as a school;
 - 6) a completed financial statement of assets, liabilities and net worth showing the owner's ability to operate the school for at least 3 months as evidenced by the owner's signature certifying the information is true;
 - 7) a copy of the official student contract to be used by the school which shall be consistent with the requirements of Section 1175.815 of this Part;
 - 8) a listing of all esthetics and cosmetology teachers, including their teacher license numbers, who will be in the school's employ. For cosmetology teachers, a copy of the letter of authority to teach esthetics issued by the Department in accordance with Section 1175.715(e) shall be submitted with the application.
 - 9) a copy of the curricula which will be followed;
 - 10) a copy of the school's official transcript; and
 - 11) the required fee.
- b) When the above items have been received, the Department shall inspect the school premises, prior to school approval, to determine compliance with this Subpart. School operations shall not commence nor shall the school in any way solicit student enrollment, until the school has received written

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

notice of approval from the Department. Approval will be granted if all of the requirements of Subpart H have been met.

- c) Esthetics schools shall only offer instruction in esthetics and esthetics teacher education.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990.)

Section 1175.805 Cosmetology Schools Approved to Teach Esthetics

- a) Existing cosmetology schools who wish to provide esthetics instruction shall:

- 1) Provide 200 square feet of space to accommodate five work stations. For enrollment over 10, the school must provide an additional 40 square feet which includes a work station and facial chair. The use of this space shall not reduce the square footage for the conduct of an approved cosmetology school below the minimum requirements set forth in this Part.

- 2) File an application with the Department, on forms provided by the Department, which shall include:

- A) detailed floor plan;
- B) a signed copy of fire inspection report giving approval for use of the site as a school;
- C) a completed financial statement of assets, liabilities and net worth showing the owner's ability to operate the school for at least 3 months as evidenced by the owner's signature certifying the information is true;
- D) a copy of the student's contract to be used by the school;
- E) copy of the esthetics curriculum;
- F) a listing of all esthetics and cosmetology teachers, including their teacher license numbers, who will be in the school's employ. For cosmetology teachers, a copy of the letter of authorization to teach esthetics issued by the Department in accordance with Section 1175.715(e) of this Part shall be submitted with the application;
- G) copy of the school's official transcript; and
- H) the required fee.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

3) When the above items have been received, the Department shall inspect the school premises, prior to school approval to determine compliance.

4) In addition, the school shall meet the following:

- A) One facial chair for every two students enrolled.
- B) One work station or position for every two students.
- C) Every work station shall have one set of facial equipment to include manual, mechanical, or electrical apparatus as follows:
 - i) electrical heating mask
 - ii) steamer
 - iii) brushing
 - iv) vacuum/spray machine
 - v) glass electrode or high frequency current
 - vi) decrustation machine
 - vii) one magnification lamp
- D) provide an esthetics curriculum in accordance with Section 1175.830 and 1175.835.
- b) Cosmetology schools approved to teach esthetics shall be required to comply with all provisions in this Part except for Section 1175.810(a) and (b).

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.810 Physical Site Requirements

a) Space Requirements

- 1) A school shall have a minimum of 1,800 square feet for a maximum of 20 students. An additional 40 square feet is required for each additional student if attendance exceeds 20 at any given time.
- 2) The school shall be partitioned to provide for the following areas:

- A) Dispensary area
- B) Laboratory
- C) Classrooms
- D) A separate restroom for males and females
- E) Cloak space
- F) A public waiting area separated from the work area
- G) A student lounge area
- H) Storage space

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- D) Locker space
- J) Conference room
- K) Other areas for school administration
- L) Work stations

3) All areas of the school shall be ventilated and lighted.

- b) Equipment Requirements - All equipment shall be in working condition and sufficient for the number of students enrolled. A school shall have the following equipment:
 - 1) An entrance sign designating the name of the school;
 - 2) A school seal;
 - 3) A time clock or other equipment necessary for verification of attendance and hours earned;
 - 4) A minimum of ten facial chairs. For enrollment over 20, one facial chair per two students.
 - 5) A minimum of ten work stations. For enrollment over 20, one work station or position per two students.
 - 6) Every work station shall have one set of facial equipment to include manual, mechanical, or electrical apparatus as follows:

- A) electrical heating mask
- B) steamer
- C) brushing
- D) vacuum/spray machine
- E) glass electrode or high frequency current
- F) decrustation machine
- G) one magnification lamp

7) Trays for facial supplies

8) One dry sterilizer per two work stations

9) One facial supply cabinet containing astringents, lotions, creams, makeup and other necessary supplies for facials;

10) Desk/table space and a chair for each student in the classroom;

11) Adequate covered disposal cans placed at convenient locations;

12) One covered container for soiled towels for each 10 students in clinical work area.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

13) Closed cabinets equipped for storing towels.

14) One head form or chart per class.

c) Sanitary Regulations

1) Clean outer garments must be worn at all times. No open toed shoes shall be worn by students.

2) All instruments shall be sanitized before and after use on each patron.

3) Clean towels shall be used for each patron.

4) Hands must be cleansed before and after serving each patron.

5) After serving each patron, electrical equipment must be sanitized according to manufacturer's specifications. All other equipment should be washed in water and sanitized before use.

6) The head rests of any chair shall be protected with a disposable cover and changed after each patron.

7) Non-disposable head coverings must be laundered and sanitized after each separate use.

8) All powders, lotions, creams, and other cosmetics shall be kept in clean, closed containers. All cosmetics shall be applied by sanitary applicators and removed from the container with a sanitary spatula.

9) No owner, manager, teacher, or school administrator shall knowingly permit any person suffering from a serious communicable disease as defined in 77 Ill. Adm. Code 690 to work on the premises, or knowingly permit a student to serve a patron with a serious communicable disease.

10) No animals or pets, except seeing eye dogs, shall be permitted on school premises.

11) The floors, walls and furniture shall be kept clean at all times.

12) An adequate supply of hot and cold running water shall be available for school operation.

d) Textbooks/Teaching Materials - Textbooks shall be provided for each student in attendance.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

e) Teachers - The student/teacher ratio during clinical instruction shall not exceed a 20 to 1 ratio.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990.)

Section 1175.815 Student Contracts

a) All student contracts used with students or prospective students by an approved esthetics school or cosmetology school approved to teach esthetics shall be clearly labeled as a contract and shall include the following information:

1) The name and address of the school;

2) The date the contract was signed by the student and the date the student was admitted;

3) The name and description of the course of instruction, including the number of clock hours in each course and an approximate number of weeks or months required for completion;

4) The scheduled starting date and calculated completion date;

5) A clear and conspicuous caption, "BUYER'S RIGHT TO CANCEL" under which it is explained that the student has the right to cancel the initial enrollment agreement until midnight of the fifth business day after the student has been enrolled; and if notice of the right to cancel is not given to any prospective student at the time the enrollment agreement is signed, then the student has the right to cancel the agreement at any time and receive a refund of all monies paid to date within 10 days of cancellation;

6) A notice to the students that the cancellation must be in writing and given to the registered agent, if any, or managing employee of the school;

7) The name of the school employee or agent responsible for procuring, soliciting or enrolling the student;

8) A clear statement that the institution does not guarantee employment and a statement describing the school's placement assistant procedures;

9) The graduation requirements of the school;

10) The total cost of the course of instruction including any charges made by the school for tuition, books, materials, supplies, and other expenses;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- d) Any provision in a student contract that purports to waive the student's right to assert against the school, or any assignee, any claim or defense he may have against the school arising under the contract shall be void.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.820 Advertising

All school advertising for patrons must conspicuously contain the words "Work Done Exclusively by Students" or "All Work Done by Students".

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.825 Recordkeeping - Transcripts

- a) Each school shall provide an official transcript showing the entire course work of each student. The official transcript shall contain the following information:

- 1) school's name and address;
- 2) school seal;
- 3) school license number;
- 4) signature of the owner, registrar or director of the school;
- 5) student's name, address, and social security number;
- 6) actual dates student attended;
- 7) subject areas, hours earned, and grades received;
- 8) any transfer hours citing the name and address of school transferred from;
- 9) subject areas, hours earned, and grades received;
- 10) final examination grades; and
- 11) graduation date.

- b) The official transcript and school records for each student shall be permanently maintained by the school in the following manner:

- 1) If maintained on the school premises, they shall be maintained in a locked, fireproof cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fireproof cabinet.
- 2) If records cannot be maintained on the premises in locked fireproof cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location which shall be made known to the Department. Such records shall be accessible to Department officials for inspection.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 11) A clear and conspicuous statement that the contract is a legally binding instrument when signed by the student and accepted by the school;

- 12) A clear and conspicuous statement that if an approved esthetics school transfers any contract or interest in the contract to another party, the student has the right afforded to him or her by the transferee as by the transferor;

- 13) The contents of the following notice, in at least 10 point bold type:

"NOTICE TO THE STUDENT"

"Do not sign this contract before you read it or if it contains any blank spaces.

You are entitled to an exact copy of the contract you sign."

- 14) A clear and concise statement of the school's refund policy for unearned tuition, fees, and other charges;

- 15) A statement either in the enrollment agreement or separately provided and acknowledged by the student indicating the number of students who did not complete the course of instruction for which they enrolled for the past calendar year as compared to the number of students who enrolled in school during the school's past calendar year;

- 16) The following clear and conspicuous caption: "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED WITH THE DEPARTMENT OF PROFESSIONAL REGULATION", set forth with the address and telephone number of the Department's Chicago and Springfield offices;

- 17) If the enrollment or student contract is negotiated orally in a language other than English, then copies of the above disclosures shall be tendered in the language in which the contract was negotiated prior to executing the enrollment agreement.

- b) The school shall comply with all applicable requirements of the Retail Installment Sales Act (Ill. Rev. Stat. 1989, ch. 121 1/2, pars. 501 et seq.) in its student contracts.

- c) No student contract shall contain a wage assignment provision or a confession of judgment clause.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- c) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school provided the student has met all financial obligations in the student contract as set forth in Section 1175.815.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.830 Recordkeeping - Hours Earned

- a) A complete and accurate record of hours of attendance for each student must be recorded and maintained by the school.
- b) If a time clock is used, each student shall punch his own time card. No student, teacher, or any other person shall punch the time card of another student. If a time clock is not used, there shall be another verifiable method used by the school to record student hours. The records must be in a form which allows the student to receive a report of hours earned. This report of hours earned shall be provided to the student on a monthly basis.
- c) Credit for hours earned away from the school premises shall be awarded only if students are supervised by a licensed instructor. Credit hours for outside study may include workshops, educational programs, films, and demonstrations.
- d) Hours earned away from the school premises shall be recorded on school time forms. These forms shall include: the school seal, name of student, event or program attended, date attended, signature of student, signature of supervising, licensed instructor.
- e) Instructors shall review the hours earned by each student monthly. Each month the instructor shall issue a signed monthly report to the student showing the actual number of hours earned by the student.
- f) Time cards may be destroyed upon the student's permanent exit from the school and after all hours earned are recorded on the official transcript.
- g) An hour is not less than 50 nor more than 60 minutes of instruction.
- h) A licensed instructor shall supervise all classroom, practical and clinical study. No credit shall be given for unsupervised study.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.835 Curriculum Requirements - Esthetics

- a) Each licensed cosmetology school teaching an esthetics curriculum and each licensed esthetics school shall provide a minimum of 750 hours of course instruction as follows:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) General theory and practical application - 100 hours of classroom instruction in general theory and practical application shall be provided which shall be divided into the following subject areas:
- history of skin care
 - personal hygiene and public health
 - professional ethics
 - understanding the uses of electricity
 - sterilization and sanitation
- 2) Scientific concepts - 150 hours of classroom instruction, shall be provided in the following subject areas:
- cells, metabolism and body systems
 - bacteriology
 - physiology and histology of the skin
 - human anatomy
 - chemistry - understanding chemicals and their use
 - disorders of the skin and special esthetics procedures
- 3) Practices and Procedures - 475 hours of instruction, which shall be a combination of classroom instruction and clinical application, shall be provided in the following subject areas:

- non-therapeutic massage excluding the scalp
- nutrition and health of skin
- skin analysis
- cleansing the skin
- mask therapy and facial treatments
- facial treatments without the aid of machines
- electricity, machines and apparatus
- facial treatments with the aid of machines
- hair removal, including tweezer method, depilators, waxing, and their use
- professional makeup techniques
- product knowledge as it relates to esthetics

- 4) Business Practices - 25 hours of classroom instruction shall be provided in the following subject areas:

- Illinois Barber, Cosmetology and Esthetics Act and Rules
- Management
- OSHA standards relating to chemical use

- b) An esthetics student is not permitted to practice on the public until he has successfully completed the 100 hours of basic theory and practical application specified in subsection (a)(1) above.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.840 Curriculum Requirements - Esthetics Teacher

- a) An approved school which intends to provide teacher training must utilize a teacher curriculum which includes a minimum of 1000 hours as follows:
 - 1) 500 hours of Post-Graduate School Training which includes: all subjects in the basic esthetics curriculum in Section 1175.835 including theory and practice. Presentation of material must include the concepts which are intended to be taught and the skills to be acquired during the various phases of basic education.
 - 2) 20 hours of Educational Psychology which shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning which relates to teaching. This course shall be presented by a person qualified to teach educational psychology at the college level or a licensed cosmetology or esthetics teacher who has completed a course of instruction which included the topics set forth above or an equivalent program. These hours shall be waived on behalf of esthetics teacher students who have completed a course in Educational Psychology at an accredited college or university within the five years immediately preceding admission to the esthetics teacher program.
 - 3) 20 hours of Teaching Methods (Theory) which shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. This course shall be presented by a person qualified to instruct in Teaching Methods - Secondary Level at a college or university or a licensed cosmetology or esthetics teacher who has completed a course of instruction which included topics set forth above or an equivalent program. These hours shall be waived on behalf of esthetics teacher students who have completed a course in Teaching Methods - Secondary Level at an accredited college or university within the five years immediately preceding admission to the esthetics teacher program.
 - 4) 150 hours of Application of Teaching Methods which includes: preparation and organization of subject matter to be presented on a unit by unit basis; and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.
 - 5) 50 hours of Business Methods which include: Inventory, record keeping, interviewing, supplies. The Illinois Barber, Cosmetology and Esthetics Act of 1985 and 68 Ill. Adm. Code 1175.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- b) 260 hours of Student Teaching under the direct supervision of an Illinois licensed teacher. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.
- b) The approved curriculum for a 500 hour Teacher Training Course shall be based upon 2 years of practical experience and shall consist of the Teacher Training Curriculum outlined in Section 1175.400 with the exception of the 500 hours of Post-Graduate Training.

(Source: Added at 14 Ill. Reg. 14090 effective August 20, 1990)

Section 1175.845 Final Examination

- a) A school shall require each candidate for graduation to pass a final examination which shall test the student's theoretical and practical knowledge of the curriculum studied.
- b) The practical examination shall test the candidate's skills in the following areas:
 - 1) non-therapeutic massage;
 - 2) electrical facial treatments;
 - 3) other kinds of facial treatments;
 - 4) makeup application; and,
 - 5) hair removal.
- c) The examination shall be administered by the uniform application of standard performance criteria established by the school for each skill area. The standard performance criteria for each skill area shall be delineated in the examination records as specified in subsection (h), below.
- d) A passing score of 75 or greater shall be required on both the theoretical and practical portions of the final examination.
- e) The school shall allow each candidate for graduation at least three attempts to pass the final exam.
- f) The Department may monitor the administration of the final examination:
 - 1) as a result of a complaint received;
 - 2) for random sampling;
 - 3) to collect data; and/or
 - 4) when the failure rate on the licensure examination for school graduates is greater than 25%.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

g) The Department shall maintain records of each school's graduate failure rate on the licensing examination. The records shall reflect only first examination attempts for each graduate. The Department shall review the records on an annual basis to identify those approved schools which have an average annual failure rate greater than 25%. An average annual failure rate greater than 25% is grounds for school disapproval. The first annual review of the records shall commence one year from the effective date of this Part.

h) The school shall maintain records of the final examination for a period of no less than 5 years in the manner prescribed in Section 1175.825(b) of this Part. These records shall include:

- 1) a copy of the final examination administered; and
- 2) each student's examination grades.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.850 Change of Ownership

a) When the ownership of an approved school changes, the new owner shall, within 5 working days from the date title to the school is transferred, mail to the Department the following:

- 1) An affidavit stating that the contract is contingent on a certificate being issued to the new owner. If this is not provided, the school must close on the date of the transfer and remain closed until a new certificate is issued;
- 2) A signed and completed school application;
- 3) A floor plan if any expansion is to be done by the new owner;
- 4) A copy of a lease agreement showing at least a 1 year commitment or certification of school site ownership;
- 5) A copy of the student contract which will be utilized by the new owner;
- 6) If owner is a corporation, a copy of the Articles of Incorporation;
- 7) If owner is a partnership, a listing of all partners and their addresses;
- 8) A signed inspection report by the local fire inspection authority approving the school site.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

2) A complete financial statement of assets, liabilities and net worth showing the new owner's ability to operate the school for 3 months as evidenced by the owner's signature certifying that the information is true;

10) If a name change is to also occur, the new owner must submit a sample of the new school seal and a photo of the new school sign; and

11) The required fee.

b) Once the above items have been received, the Department shall conduct an inspection prior to approval of the change of ownership. Approval will be granted if all of the requirements of Subpart H have been met.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.855 Change of Location

a) When the location of an approved school is changed, the school owner shall submit to the Department the following:

- 1) Written notice to the Department at least 30 days in advance of the school site change;
- 2) A signed and completed school application;
- 3) A floor plan;
- 4) A copy of a lease agreement showing at least a one year commitment or certification of ownership of school site;
- 5) A signed inspection report by the local fire inspection authority approving the site; and,
- 6) The required fee.

b) Once the above items have been received, the Department shall inspect the premises to determine compliance with this Part. School operations shall not commence at the new location nor may the school in any way solicit student enrollment until the owners have received written notice of approval from the Department. Approval will be granted if all of the requirements of Subpart E have been met.

c) If the change of location is due to natural destruction of the original premises, a temporary site may be used to teach theory classes only.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The temporary site must be inspected prior to its use and must possess light and ventilation, tables and chairs for the number of students in a classroom, and must be clean.
- 2) The temporary site may be used for a period of 2 months. The 2 month period can be extended for good cause. Good cause includes, but is not limited to, unexpected delays in construction, delays in lease arrangements, or delays in equipment delivery.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.860 Change of Name

When changing the name of a licensed school, a written request for a name change, along with the required fee specified in Section 1175.100, shall be mailed 30 days in advance of any name change. The Department shall then issue a new certificate. At the time of the change of name, all identifying signs and materials must be changed to conform with the new name on the school license.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.865 Expansion

- a) Written notice shall be given to the Department 30 days prior to any expansion of an approved school.
- b) When the expansion will result in an off-site classroom location, a completed application must be submitted along with:

- 1) A detailed floor plan;
- 2) A copy of a lease showing at least a 1 year commitment to the use of the site or certification of ownership of the proposed site;
- 3) A signed fire inspection report giving approval for use of the site as a classroom location;
- 4) A statement from the school owner outlining the purpose of the classroom location;
- 5) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion;
- 6) A financial statement of assets, liabilities and net worth which shall reflect the owner's assets and debits inclusive of costs incurred or to be incurred as a result of the expansion;
- 7) The required fee.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 8) An off-site classroom location is defined as a separate classroom which is located within 5 miles of the main school site, and which serves to provide adequate space in which to train an overflow of students. A clinic may not be operated at an off-site classroom location. A school may establish only one off-site classroom location. All identifying signs and materials must reflect the name of the main school.
- c) When an on-site expansion is to accommodate an increased enrollment, a completed application shall be submitted along with:
 - 1) a detailed floor plan;
 - 2) a statement from the school owner outlining the purpose of the expansion;
 - 3) a listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion, and
 - 4) the required inspection fee.
- d) Upon receipt of the above items, the Department shall inspect the expansion site to determine compliance with this Part. The site shall not be used until such inspection has occurred and the owner has received written notification of approval from the Department. Approval will be granted if all of the requirements of Subpart H have been met.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.870 Discontinuance of Program

- a) The Department shall receive a minimum of 30 days written notice of a school's intent to discontinue its program. The notice shall include the exact location where the student records are to be stored.
- b) The school owner shall notify the Department in writing of the actual closing date of the school.
- c) All school records shall be maintained after the school closes.
- d) The school must continue to meet the requirements of the Act and this Part until the actual closing date.
- e) Each student enrolled at the time of discontinuation must be provided an official transcript of all hours earned while enrolled in the program.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- f) All refunds shall be given to students in accordance with the refund provisions set forth in the student contract.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.875 Withdrawal of Approval

- a) The Department may withdraw, suspend or place on probation, pursuant to 68 Ill. Adm. Code 1110, the approval of a school of cosmetology or esthetics school when the quality of the program has been affected by any of the following causes:

- 1) Gross or repeated violations of any provisions of the Act or this Part;
- 2) Fraud or dishonesty in furnishing transcripts or documentation for evaluation of the school;
- 3) Failure to meet the criteria for school approval in Section 1175.800;
- 4) Failure to administer the final examination as specified in this Part;
- 5) Failure to maintain final examination grades for each student and a master of the examination administered as specified in this Part;
- 6) Fraud or dishonesty in providing transcripts to students who have fulfilled all obligations under Section 1175.815;
- 7) Failure to provide transcripts to students;
- 8) A finding by the U. S. Office of Education or Illinois Student Assistance Commission that a school has misappropriated or misused grant or loan monies or has aided in obtaining such monies by providing fraudulent or untruthful information.

b) Performance Record on Licensing Examination

- 1) When a school's graduates have a 25% or greater failure rate on the licensing examination, Department approval of a school shall be reviewed pursuant to Section 1175.800.
- 2) The performance record by a school's graduates on the licensing examination as compared with the statewide performance record shall be considered by the Department when reviewing Department approval of a school.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 3) The Department shall give written notice and a hearing pursuant to 68 Ill. Adm. Code 1110 when Department approval of a school is being reviewed.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

SUBPART I: CONTINUING EDUCATION - ESTHETICIAN/ESTHETICS TEACHER

Section 1175.900 Sponsor Approval

- a) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group which has been approved and authorized by the Department to coordinate and present continuing education (CE) courses or programs for estheticians or esthetics teachers.
- b) An esthetician continuing education sponsor application shall be filed with the Department to be approved as an esthetician continuing education sponsor. An esthetics teacher continuing education sponsor application shall be filed with the Department to be approved as an esthetics teacher sponsor. All sponsors shall certify that they will comply with all sponsor CE requirements set forth in this Subpart.
- c) An esthetician sponsor shall provide CE courses and programs which are organized programs of formal learning which contribute directly to an esthetician's knowledge and ability to perform his duties as an esthetician. A continuing education program or course must meet the following minimum requirements:
 - 1) An esthetics course or program shall include as its subject matter one or more of the following:
 - A) Advanced product chemistry and chemical interaction;
 - B) The use of machines for care of the face and skin;
 - C) Sanitary procedures;
 - D) Makeup techniques;
 - E) Advanced knowledge of the anatomy of the skin;
 - F) Human relations/communications skills;
 - G) Management and marketing;
 - H) Non-permanent hair removal techniques;
 - I) Non-therapeutic massage.
 - 2) All programs shall be developed and presented by persons with education training and/or practical experience in the subject matter to be presented.
 - 3) All programs must include a student evaluation of both the instructor and the course.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 4) All programs shall specify the course objectives, content, prerequisites, requirements, and the number of CE hours to be earned. Such information shall be specified in all promotional materials.

d) An esthetics teacher sponsor shall provide CE courses and programs which are organized programs of formal learning which contribute directly to an esthetics teacher knowledge and ability to perform his duties as an esthetician. A continuing education program or course must meet the following minimum requirements:

- 1) An esthetics teacher course or program shall include as its subject matter one or more of the following:

- A) Educational Psychology;
- B) Teaching techniques as they apply to the use of machines for care of the face and skin;
- C) Teaching Methods;
- D) Business Methods;
- E) Human Relations;
- F) Counseling Techniques;
- G) Student Evaluation Skills;
- H) State and federal laws pertinent to esthetics;
- I) Tests and Measurements;
- J) Written and Verbal Communication Skills.

- 2) All programs shall be developed and presented by persons with education training and/or practical experience in the subject matter to be presented.

- 3) All programs must include a student evaluation of both the instructor and the course.

- 4) All programs shall specify the course objectives, content, prerequisites, requirements, and the number of CE hours to be earned. Such information shall be specified in all promotional materials.

- e) All sponsors shall verify attendance at each CE course or program. A record of attendance shall be kept for no less than 5 years. Sponsors shall give each successful participant a record of completion at the end of the course or program. All records shall include the following information: name, address, identification number of participants, course title, CE hours awarded, date of course, name of instructor, and name of sponsor.

(Source: Added at 14 Ill. Reg. 14090 effective August 20, 1990)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.905 Department Supervision

- a) The Department shall audit sponsors and their programs upon written complaint or allegation that the sponsor has not fully complied with the requirements of this Subpart.
- b) A sponsor's approval will be terminated if the sponsor fails to provide information to the Department to ascertain compliance with this Subpart.
- c) Upon failure of any sponsor to comply with the requirements of Subpart I, the Department shall issue a written notification to the sponsor that it must remedy its non-compliance prior to providing further approved courses.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.910 Credit Hours

- a) An approved CE program hour shall include at a minimum 50 minutes of actual class time, exclusive of time devoted by participants to pre-class or post-class preparation.
- b) Courses completed at a university or college shall receive 15 CE credit hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
- c) A licensee (esthetician or esthetics teacher) who serves as an instructor, speaker, or discussion leader of an approved course shall be allowed CE credit for actual presentation time. Preparation time shall receive 1 hour credit for each 2 hours of actual presentation time. Preparation time for repetitious presentations of the same course shall not receive credit. No more than 10 hours of credit can be earned under this Section during any renewal period.

- d) Credit will be awarded for successful completion of courses taken pursuant to continuing education requirements in another state. Credit hours will be awarded as stated in subsections (a), (b), and (c) above.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

Section 1175.915 Waiver of Continuing Education Requirements

- a) Any renewal applicant seeking renewal of his license or certificate without having fully complied with these CE requirements shall file with the Department a renewal application along with the required renewal fee, a statement setting forth the facts concerning such noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

desired, a request for an interview before the Committee. If the Department finds from such statement or any other evidence submitted or upon recommendation of the Committee, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

b) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

1) full-time service in the armed forces of the United States of America during a substantial part of such period;

2) an incapacitating illness documented by a currently licensed physician, or

3) hardship as defined in Section 3-7 of the Act;

A) the licensee resides in a locality where it is demonstrated that the absence of opportunities for such education would interfere with the ability of the licensee to provide services to the public.

B) that to comply with the continuing education requirements would cause a substantial financial hardship on the licensee.

c) If an interview is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

(Source: Added at 14 Ill. Reg. 14090, effective August 20, 1990)

1) Heading of the Part: Optometric Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1320

3) Section Numbers: Adopted Action:
1320.30 Amending
1320.55 Amending
1320.80 Amending
1320.300 Amending

4) Statutory Authority: Ill.Rev.Stat. 1989, ch. 111, pars. 3910, 3913, 3916, 3917, and 3919

5) Effective Date of Amendments: August 15, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: August 6, 1990

9) Date Notice of Proposal Published in Illinois Register: February 16, 1990, at 14 Ill. Reg. 2444

10) Has ICAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version:

In Section 1320.80(b)(3)(C), "by means of" was added after self-instruction and "in the" was deleted.

12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect? No

14) Are there any Amendments pending on this Part? No

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 15) **Summary and Purpose of Amendments:** Section 1320.30 has been changed to allow applicants to have their National Board of Examiners in Optometry Examination (NBEO) scores submitted to the Department prior to licensure rather than prior to sitting for the comprehensive practical examination.

Section 1320.80 sets forth additional standards for the certified continuing education post-course evaluation. The course shall be at least 2 hours in length rather than 3 hours; the evaluation may be an on-site or off-site evaluation and meet the standards set forth; the course may be retaken at the discretion of the sponsor and the sponsor shall indicate in course materials if the course may be retaken; and the certified continuing education course shall be self-instruction or a correspondence course.

The renewal fees for an ancillary optometry license, ancillary topical ocular pharmaceutical certificate and an approved continuing education have been reduced.

- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1320

OPTOMETRIC PRACTICE ACT OF 1987

SUBPART A: OPTOMETRY

Section	Approved Programs of Optometry
1320.20	Application for Examination
1320.30	Examinations
1320.40	Fees (Emergency Expired)
1320.45	Endorsement
1320.50	Renewals
1320.55	Inactive Status
1320.60	Restoration
1320.70	Continuing Education
1320.80	Minimum Eye Examination
1320.90	Minimum Equipment List
1320.95	Practice of Optometry
1320.100	Advertising
1320.110	Granting Variances
1320.120	

SUBPART B: TOPICAL OCULAR PHARMACEUTICALS

1320.200	Definitions and Standards
1320.210	Application for Certification
1320.220	Approved Pharmacological Training
1320.230	Approved Topical Ocular Pharmaceutical Agents
1320.240	Restoration of Certification
1320.250	Endorsement of Certificate
1320.260	Renewal of Certification
1320.270	Display of Certification

SUBPART C: GENERAL

1320.300	Fees
1320.310	Ancillary Licenses and Certificates

AUTHORITY: Implementing The Optometric Practice Act of 1987 (Ill. Rev. Stat. 1987 1989, ch. 111, pars. 3901 et seq.) authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987 1989, ch. 127, par. 60(7)).

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 320 (Department of Professional Regulation) pursuant to P.A. 85-225 effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925 effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128 effective August 15, 1990

SUBPART A: OPTOMETRY

Section 1320.30 Application for Examination

- a) An applicant for ~~an~~ license ~~examination~~ to obtain a license to practice optometry shall file an application, on forms supplied by the Department, at least 60 days prior to the comprehensive practical examination date. The application shall include:
 - 1) Certification of graduation from an approved 4 year optometry graduate level program in accordance with Section 1320.20. Such certification shall be received prior to sitting for the examination; or
 - 2) A complete work history since graduation from an optometry program; and
 - 3) The required fee set forth in Section 1320.300 of this Part.
- b) The applicant shall also cause a certified copy of the grades received on the examination given by the National Board of Examiners in Optometry (NBEO) to be forwarded by the National Board directly to the Department. The NBEO exam scores shall be received prior to ~~taking the comprehensive practical examination~~ a license being issued by the Department.

(Source: Amended at 14 Ill. Reg. 14128 effective August 15, 1990)

Section 1320.55 Renewals

- a) Every license issued under the Act shall expire on March 31 of each even

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee and completion of continuing education requirements set forth in Section 1320.80.

- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew the license in a timely manner.
- c) Practicing after a license has expired shall be considered the unlicensed practice of optometry and subject to discipline pursuant to Section 24 of the Act.

(Source: Amended at 14 Ill. Reg. 14128 effective August 15, 1990)

Section 1320.80 Continuing Education

a) Continuing Education Hour Requirements

- 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of optometry required during each prerenewal period. A prerenewal period is the 24 months preceding March 31 in the year of the renewal. For the renewal period ending March 31, 1990, the prerenewal period will be February 1, 1988, to March 31, 1990.

- 2) A renewal applicant is not required to comply with CE requirements for the first renewal.

- 3) Optometrists licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

b) Approved Continuing Education

- 1) Verified attendance at or participation in a program which is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c).
- 2) For the March 31, 1992, renewal and every renewal thereafter each licensee shall be required to complete at least 6 hours of credit for each prerenewal period which is certified by an approved optometry college in accordance with Section 1320.20 of this Part, osteopathic or medical college or university pursuant to the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987 1989, ch. 111, par. 4400-1 et seq.).

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- A) Each certified course shall be at least 2 1/2 hours in duration in which the individual is in actual attendance and shall include the successful completion of a post-course evaluation of the attendee's understanding of the course material.

i) The post-course evaluation may be taken on-site immediately following the course presentation. An examination distributed on-site shall not be removed from the site. Credit may be given for time spent on the post-course evaluation.

ii) The post-course evaluation may be a correspondence evaluation mailed to the attendee and returned to the provider. The sponsor shall not distribute a post-course evaluation at the site.

iii) At the sponsor's discretion, the attendee may be allowed one retake of a failed post-course evaluation in order to receive credit as certified continuing education.

- B) Licensees who attend a certified education course without successful completion of a post-course evaluation may apply actual course hours toward fulfillment of the additional continuing education requirements as set forth in subsections (b)(1) and (b)(3).

C) Any approved continuing education sponsor or employer may offer, in conjunction with the above-referenced college or university, a certified course.

D) Transcript quality continuing education courses shall be deemed equivalent to the certified course if they meet the requirements set forth in subsection (2)(A) above.

E) Continuing education sponsors shall state in their course materials the type of post-course evaluation which will be given and whether the applicant will be allowed to retake the evaluation.

F) Certified continuing education courses shall be courses in which the attendees are in actual attendance. No self instruction or correspondence courses shall be considered certified continuing education courses.

- 3) Eighteen (18) hours of CE credit may be earned as follows (not accepted for certified CE):

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- A) A maximum of 12 hours per prerenewal period for papers prepared and delivered before recognized optometric organizations, papers published in nationally recognized optometric journals, or a chapter in a book of optometry, each appropriately verified.

B) A maximum of 12 hours per prerenewal period for verified teaching of students at an optometry school approved by the Department, or practicing optometrists in CE programs approved by the Department. One hour of teaching at an optometry school approved by the Department is equal to one hour of continuing education.

C) A maximum of 2 hours per prerenewal period for ~~previously approved~~ verified self-instruction by means of ~~in-the~~ individual use of audio-visual materials which is sponsored or cosponsored by any previously approved, optometry college, institution or national, state or local optometry association or organization similar to the foregoing.

D) A maximum of 4 hours per prerenewal period for courses in practice management which includes business management.

E) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.

F) Credit shall not be given for courses taken in Illinois from unapproved sponsors.

c) Continuing Education Sponsors and Programs

1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group which has been approved and authorized by the Department upon the recommendation of the eCommittee to coordinate and present continuing education courses or programs.

2) A sponsor shall file a sponsor application, along with the required fee set forth in Section 1320.300(a)(7), which certifies:

- A) that all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) and all other criteria in this Section;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- B) that the sponsor will be responsible for verifying attendance at each course or program, and provide a certificate of completion as set forth in subsection (b);
- C) ~~that the sponsor will provide the Department with a list of all programs for which CE credit was given during the pre-renewal period set forth in subsection (a)(1) of this Section;~~
- D) that upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance; and
- E) that each sponsor shall submit to the Department a written notice of a course offering 30 days prior to the course date. The notice shall include the description, location, date and time of the course to be offered.
- 3) Each sponsor shall submit by March 31 of each even numbered year a sponsor application along with the required fee set forth in Section 1320.300 (b)(5) of this Part. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the pre-renewal period, which includes a description, location, date and time the course was offered.
- 2) 4) All courses and programs shall:
- contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of optometry.
 - provide experiences which contain scientific integrity, relevant subject matter and course materials; and
 - be developed and presented by persons with education and/or experience in subject matter of the program.
- 4) 5) The tuition fees charged for programs conducted by approved sponsors shall be reasonable and directly related to the sponsor's actual expense in conducting the programs.
- 5) 6) All programs given by approved sponsors shall be open to all licensed

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

optometrists and not be limited to the members of a single organization or group and shall specify the number of CE hours and category(s) that may be applied toward Illinois CE requirements for licensure renewal.

6) 7) Certificate of Attendance

- A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
- The name and address of the sponsor;
 - The name and address of the participant and their optometry license number;
 - A detailed statement of the subject matter;
 - The number of hours actually attended in each topic;
 - The date of the program;
 - Whether the course qualifies for certified continuing education and if the post-course evaluation was passed or failed.
- B) The sponsor shall maintain these records for not less than 5 years.
- 7) 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive CE credit for time not actually spent attending the program.
- 8) 9) Upon the failure of any sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Committee, shall thereafter refuse to accept for CE credit attendance at or participation in any of such sponsor's CE activities until such time as the Department receives reasonably satisfactory assurances of compliance with this Section.
- d) Continuing Education Earned in Other States. If a licensee has earned CE hours in another state or territory for which he will be claiming credit toward full compliance in Illinois, the applicant shall submit an application along with a \$10 processing fee within 90 days of completion of the course.

ILLINOIS REGISTER
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

The Committee shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

e) Certification of Compliance with CE Requirements

- 1) Each renewal applicant shall certify, on his renewal application, to full compliance with the CE requirements set forth in subsection (a) above.
- 2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.
- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Committee, at which time the Committee may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. ~~1987~~ 1989, ch. 127, par. 1016).

f) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of his license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fee set forth in Section 1320.300, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Committee, finds from such affidavit or any other evidence submitted, that good cause has been shown for granting a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable pre-renewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Committee and shall be limited to documentation of:

NOTICE OF ADOPTED AMENDMENTS

- i) an incapacitating illness documented by a currently licensed physician,
- ii) a physical inability to travel to the sites of approved programs, or
- iii) any other similar extenuating circumstances.
- 3) If an interview with the Committee is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

(Source: Amended at 14 Ill. Reg. 14128, effective August 15, 1990)

SUBPART C: GENERAL

Section 1320.300 Fees

a) Application fees

- 1) The fee for application for a license as an optometrist is \$200.
- 2) The fee for application for a certificate for use of topical ocular pharmaceuticals is \$130.
- 3) The fee for application for an ancillary optometric license is \$80.
- 4) The fee for application for an ancillary Topical Ocular Pharmaceutical license is \$50.
- 5) Applicants for any examination shall be required to pay, either to the Department or its designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination.
- 6) The fee for application for licensure from a person licensed as an optometrist in another jurisdiction is \$200.
- 7) The fee for a sponsor of continuing education is \$500.

b) Renewal fees

- 1) The fee for renewal of an optometrist license is \$100 per year.

ILLINOIS REGISTER

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 2) The fee for renewal of a topical ocular pharmaceutical certificate is \$25 per year.
 - 3) The fee for renewal of an ancillary optometry license is \$40 ~~\$25~~ per year.
 - 4) The fee for renewal of an ancillary topical ocular pharmaceutical certificate is ~~\$25~~ \$10 per year.
 - 5) The fee for renewal as a sponsor of continuing education is ~~\$250~~ \$50 per year.
- c) General Fees
- 1) The fee for restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
 - 2) The fee for issuance of a duplicate license or certificate or for the issuance of a replacement license for a license which has been lost or destroyed is \$20.
 - 3) The fee for the issuance of a license or certificate with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is replaced.
 - 4) The fee to have the scoring of an examination reviewed and verified by the Department is \$20 plus any fee charged by the applicable testing service to rescore the examination.
 - 5) The fee for certification of a licensee's record (e.g. license status, examination information) is \$20.
 - 6) The fee for a wall certificate showing licensure is the actual cost of producing such a license.
 - 7) The fee for a roster of persons licensed under the Act is the actual cost of producing such a roster.

(Source: Amended at 14 Ill. Reg. 14128, effective August 15, 1990)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Adopted Action:

112.9	Amendment
112.130	Amendment
112.131	Amendment
112.141	Amendment
112.143	Amendment
112.145	Amendment
112.147	Amendment
112.330	Amendment
112.332	Amendment
- 4) Statutory Authority:

89 Ill. Adm. Code 112.9

Sections 4-1, 4-2, 11-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 4-1, 4-2, 11-5 and 12-13)

89 Ill. Adm. Code 112.130 thru 112.147

Sections 4-1.6, 4-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 4-1.6, 4-2 and 12-13)

89 Ill. Adm. Code 112.330 and 112.332

Sections 4-2, 5-2 and 5-4 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 4-2, 5-2 and 5-4)
- 5) Effective Date of Adopted Amendments: August 17, 1990
- 6) Does this rulemaking contain an automatic repeal date?
Yes X No
- 7) Do these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 17, 1990
- 9) Notices of Proposal Published in Illinois Register:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 89 Ill. Adm. Code 112.9
February 23, 1990 (14 Ill. Reg. 2798)
- 89 Ill. Adm. Code 112.130 thru 112.147
April 20, 1990 (14 Ill. Reg. 5695)
- 89 Ill. Adm. Code 112.330 and 112.332
April 27, 1990 (14 Ill. Reg. 5923)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments?
- 89 Ill. Adm. Code 112.9 - Yes
- A) Statement of Objection: Feb. 22, 1990 (14 Ill. Reg. 12966.)
- B) Agency Response: August 31, 1990 (14 Ill. Reg. 14214.)
- C) Date Agency Response Submitted for Approval to JCAR:
August 2, 1990
- 89 Ill. Adm. Code 112.130 thru 112.147 - Yes
- A) Statement of Objection: Aug. 10, 1990 (14 Ill. Reg. 12977)
- B) Agency Response: August 31, 1990 (14 Ill. Reg. 14214.)
- C) Date Agency Response Submitted for Approval to JCAR:
August 2, 1990
- 89 Ill. Adm. Code 112.330 and 112.332 - Yes
- A) Statement of Objection: Aug. 10, 1990 (14 Ill. Reg. 12980)
- B) Agency Response: August 31, 1990 (14 Ill. Reg. 14214.)
- C) Date Agency Response Submitted for Approval to JCAR:
August 2, 1990
- 11) Differences between proposal and final version:

89 Ill. Adm. Code 112.9

Based on comments received from the Joint Committee on Administrative Rules, the following changes were made to this amendment:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1) at line 1 of subsection (d), the words "are to" are changed to "shall";
- 2) at line 7 of subsection (e), the letter "t" is corrected to read "to";
- 3) at line 8 of subsection (e), the word "must" is changed to "shall";
- 4) at lines 11, 17 and 20 of subsection (f), the words "will" and "must" are changed to "shall";
- 5) at line 1 of subsection (f) (3), after the word "extension", the phrase "either verbally or in writing," is inserted; and
- 6) at line 4 of subsection (f) (3), immediately before the comma, the phrase "such as a copy of the request that was sent to the third party" is inserted.
- 89 Ill. Adm. Code 112.130 thru 112.147
- Based on comments received from the Joint Committee on Administrative Rules, the following changes were made to the text of the amendments:
- 1) at line 2 of Section 112.131 (a), the phrase "(see 89 Ill. Adm. Code 111.101)" is inserted immediately before the comma;
- 2) at lines 2 and 4 of Section 112.143(a), the word "reasonable" is deleted;
- 3) at line 1 of Section 112.143(b), after the word "from" the word "the" is inserted;
- 4) at line 2 of Section 112.143(c), after the word "cause", the phrase "(see Section 112.302(f)(1) thru (3) for what constitutes good cause)" is inserted;
- 5) at line 2 of Section 112.143(d)(2), after the word "relative", the phrase "(see 89 Ill. Adm. Code 103.10(b))" is inserted;
- 6) at lines 4 and 5 of Section 112.147(b), the phrase "Section 112.147" is deleted;
- 7) at line 3 of Section 112.147(c), the letter "e" is corrected to read "be"; and

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 8) at line 3 of Section 112.147(d), the word "deleted" is corrected to read "deducted".

89 Ill. Adm. Code 112.330 and 112.332

No changes were made to the text of this rulemaking.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

- 14) Are there any Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

112.110 Amendment June 15, 1990
(14 Ill. Reg. 9291)

112.150 Amendment June 22, 190
(14 Ill. Reg. 9790)

112.151 Amendment June 15, 1990
(14 Ill. Reg. 9291)

- 15) Summary and Purpose of Adopted Amendments:

89 Ill. Adm. Code 112.9

This rulemaking places into rule specific time frames for the return of information necessary to determine an individual's eligibility for assistance under the Aid to Families With Dependent Children Program.

89 Ill. Adm. Code 112.130 thru 112.147

This rulemaking implements Section 402 of the Family Support Act (P.L. 100-435). Specifically, this rulemaking changes the Department's policy on earned income disregards as follows:

- 1) increases the standard work expense from \$75.00 to \$90.00;
- 2) exempts earned income credit payments;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 3) changes the order of disregards to the first \$90.00, \$30.00 plus one-third/\$30.00 and the cost of child care up to the previously stated limits; and

- 4) increases the limit on dependent child care from \$160.00 to \$175.00 for children age two and above and to \$200.00 for children under age two.

89 Ill. Adm. Code 112.330 and 112.332

Pursuant to Section 303 of the Family Support Act (P.L. 100-485), this rulemaking authorizes a twelve month extension of medical assistance to individuals receiving assistance under the Aid To Families With Independent Children (AFIC) program when AFIC is terminated due to increased hours or increased income from employment.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd. Flr.
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begin on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section
112.1 Description of the Assistance Program
112.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section
112.70 Participation Requirements For Project Chance
112.71 Individuals Exempt From Project Chance
112.72 Project Chance Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 Project Chance Initial Assessment Process/Development of an Employability Plan
112.76 Project Chance Orientation
112.77 Conciliation and Fair Hearings
112.78 Project Chance Components
112.79 Project Chance Sanctions
112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements
112.81 Responsible Relative Eligibility For Project Chance

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
112.82 Project Chance Supportive Services
112.83 Young Parents Program
112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section
112.86 Project Advance
112.87 Project Advance Experimental and Control Groups
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90 Project Advance Sanctions
112.91 Good Cause for Failure to Comply with Project Advance
112.93 Individuals Exempt From Project Advance
112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section
112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Stepparent, Parent or Legal Guardian
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
112.128 Protected Income
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section	
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers
112.155	AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section	
112.250	Grant Levels
112.251	Payment Levels in AFDC
112.252	Payment Levels in AFDC Group I Counties
112.253	Payment Levels in AFDC Group II Counties
112.254	Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section	
112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Monthly Reporting
112.303	Retrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Aliens
112.308	Special Needs Authorizations
112.309	Institutional Status

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section	
112.315	Young Parent Program (Renumbered)
112.315	Redetermination of Eligibility
112.320	Six* Twelve Month Extension of Medical Assistance
112.330	Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

SUBPART J: CHILD CARE

Section	
112.350	Child Care
112.352	Child Care Eligibility
112.354	Qualified Provider
112.356	Notification of Available Services
112.358	Participant Rights and Responsibilities
112.362	Additional Service to Secure or Maintain Child Care Arrangements
112.364	Rates of Payment for Child Care
112.366	Method of Providing Child Care

SUBPART K: TRANSITIONAL CHILD CARE

Section	
112.400	Transitional Child Care Eligibility
112.400	Duration of Eligibility for Transitional Child Care
112.404	Loss of Eligibility for Transitional Child Care
112.408	Qualified Child Care Providers
112.410	Notification of Available Services
112.412	Participant Rights and Responsibilities
112.414	Child Care Overpayments and Recoveries
112.416	Fees for Service for Transitional Child Care
112.418	Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10828, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6,

NOTICE OF ADOPTED AMENDMENTS

1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 10 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170,

NOTICE OF ADOPTED AMENDMENTS

effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.9 Client Cooperation

a) As a condition of eligibility, clients must cooperate:

- 1) in the determination of eligibility;
- 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
- 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.

b) Clients are required to avail themselves of all potential resources.

c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.

d) At screening, applicants shall be informed, in writing, of any information they are to provide at the eligibility interview.

e) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. If the applicant does not

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 112.9 Client Cooperation (Cont'd.)

provide the information by the date on the information request form, the application shall be denied on the following work day.

a) During the application process, when the applicant is requested to provide third-party information and has not requested the third-party information and/or cannot provide written verification of the request for third-party information by the last day of the time period on the information request form, the applicant shall be denied on the following work day. At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department shall allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant shall provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.

2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.

3) If the applicant requests an extension either verbally or in writing in order to obtain third party information and provides written verification of the request for the third party

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 112.9 Client Cooperation (Cont'd.)

information such as a copy of the request that was sent to the third party, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety (90) day period is the calendar day following the date of application. The 90th day must be a work day.

3) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at 14 Ill. Reg. 14140, effective August 17, 1990)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.130 Earned Income

- a) All currently available income which is not specified as exempt shall be considered in the determination of eligibility and the level of the assistance payment.
- b) Earned income is remuneration acquired through the receipt of salaries or wages for services performed as an employee or profits from an activity in which the individual is self-employed.
- c) In determining eligibility and level of assistance, the following shall be considered:
- 1) the earned income of a stepparent of an AFDC child if the stepparent lives with the assistance unit and is not an SSI recipient;
 - 2) the earned income of a parent or legal guardian of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household. This provision does not apply if the parent or legal guardian receives SSI.

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Section 112.130 Earned Income (Cont'd.)

d) The amount of the total available income of the stepparent, parent or legal guardian under subsection (c) above shall be the income remaining after the following amounts have been deducted:

- 1) As employment expenses, \$75 \$90.00 from the gross earned income or income remaining after deducting self-employment business expenses for an employed person (see Section 112.145).
- 2) An amount equal to the Department's Standard of Need for a family size taking into account the needs of the stepparent, parent or legal guardian, and the needs of individuals residing with the stepparent, parent or legal guardian not included in the assistance unit whom the stepparent, parent or legal guardian claims or could claim as federal tax dependents;

3) Amounts paid by the stepparent, parent or legal guardian for alimony or child support to individuals outside the home;

4) Amounts paid by the stepparent, parent or legal guardian to individuals outside the home whom the stepparent, parent or legal guardian claims or who could be claimed as federal tax dependents.

e) Earned income received through the Job Training Partnership Act by all dependent children is exempt for six (6) months each year from comparison to 185% of the Standard of Need (see 89 Ill. Adm. Code 110.10 to 110.100).

f) Earned income received through the Job Training Partnership Act by dependent children who are full-time students or who are part-time students and not employed full-time (working 100 hours or more per month) is exempt in determining the AFDC grant (see Section 112.140 for a definition of "full-time student" and "part-time students"). Participants in Job Corps are considered students.

g) Earned income received through the Job Training Partnership Act by dependent children who are not students as described in subsection (f) above is

ILLINOIS REGISTER
DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.130 Earned Income (Cont'd.)

exempt for only six months each year in determining the AFDC grant.

- h) Earned income received by all dependent children who are full-time students or part-time students who are not full-time employed is exempt for six (6) months each year from comparison to 185% of the Standard of Need.

(Source: Amended at 14 Ill. Reg. 14140, effective August 17, 1990)

Section 112.131 Earned Income Tax Credit

a) In determining eligibility and level of assistance-payment against the 185% Standard of Need (see 89 Ill. Adm. Code 111.101), the amount of earned income tax credit which the client actually receives as advanced payment or as a refund of federal income taxes shall not be exempt. ~~Shall be added to the earnings of the AFDC client each month. The amount of the earned income tax credit received with or as a refund of federal income taxes shall be considered earned income.~~

b) In determining eligibility and level of assistance against the payment level, the amount of earned income tax credit which the client receives as advance payment or as a refund of federal income taxes shall be exempt.

b+) ~~In budgeting the earned income tax credit as earned income, the recognized employment expenses of Section 112.143 shall be applied.~~

c+) ~~In budgeting earned income tax credit received with or as a refund of federal income taxes, the recognized employment expenses of Section 112.143 shall be applied. However, expenses of child care shall not be applied if the only earned income received in the month is a refund of earned income tax credit.~~

(Source: Amended at 14 Ill. Reg. 14140, effective August 17, 1990)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.141 Earned Income Exemption

- a) After the \$90.00 disregard for employment expenses is allowed (see Section 112.130), the first \$30.00 of the combined earned income of each employed person after allowable disregards (excluding the earned income of a dependent child as exempt earned income in Section 112.131 and 112.140) plus one-third of the remainder shall be exempt from consideration for four (4) consecutive months.
- b) After the \$30.00 plus one-third has been allowed for four (4) consecutive months, \$30.00 shall be exempt for an additional eight (8) consecutive months.
- c) Once the \$30.00 plus one-third exemption has been allowed for four (4) consecutive months and the \$30.00 exemption has been allowed for an additional eight (8) consecutive months, the earned income deduction shall not be allowed again until the individual has not received cash assistance for twelve (12) consecutive months.

(Source: Amended at 14 Ill. Reg. 14140, effective August 17, 1990)

Section 112.143 Recognized Employment Expenses

- a) For employment expenses, \$75.00 shall be deducted from gross earned income of each employed individual.
- b) In addition, for earnings for self-employment and rental property, an amount equal to the reasonable expenses directly attributable to producing goods or services or an amount equal to the reasonable expenses of rental shall be deducted from income.
- a) For earnings from self-employment and rental property, an amount equal to the expenses directly attributable to producing goods or services or an amount equal to the expenses of rental shall be deducted from income.
- b) For employment expenses, \$90.00 shall be deducted from the gross earned income of each employed individual.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.143 Recognized Employment Expenses (Cont'd)

- c) The employment expense allowance is not available to an individual for any month in the following situations:
- 1) The individual terminated employment or reduced earned income without good cause (see Section 112.302 (f)(1) thru (3) for what constitutes good cause) within the period of 30 days preceding such month, or
 - 2) The individual refused without good cause, within the period of 30 days preceding such month, to accept employment in which the individual was able to engage and which has been determined to be a suitable, available offer of employment, or
 - 3) The individual fails without good cause to report income in a timely manner, or
 - 4) The individual voluntarily requests AFDC assistance to be terminated to avoid receiving the earned income exemption for four consecutive months. (See Sections 112.140 and 112.142).
- d) Child Care
- 1) Expenses of child care shall be deducted from income up to a maximum of \$200.00 per child for each child under age two (2) and \$175.00 for each child age two (2) or older.
 - 2) The child care deduction is not allowed when the child care provider is a responsible relative (see 89 Ill. Adm. Code 103.10(b)) of the child receiving care.
 - a) Expenses of child care shall be deducted from income up to a maximum of \$160 per child or \$128 per child if the client is not full-time employed or not employed throughout the month as defined below.
 - 2) The child care deduction is not allowed when the child care provider is a responsible relative of the child receiving care.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.143 Recognized Employment Expenses (Cont'd)

- e) ~~Full-time employment means the individual is employed for at least 100 hours during the month. -- Employed throughout the month means the individual is employed at least one-half of the days of the month.~~

(Source: Amended at 14 Ill. Reg. 14140, effective August 17, 1990)

Section 112.145 Earned Income From Self-Employment

- a) Income realized from self-employment shall be considered earned income.
- b) Accurate and complete records shall be kept on all monies received and spent through self-employment. If the individual fails or refuses to maintain complete business records, the assistance unit shall be ineligible.
- c) Business expenses shall be verified. The individual shall have full responsibility for proof of any business expense. No deduction shall be allowed for depreciation, obsolescence and/or similar losses in the operation of the business. Gross income from the business shall be turned back into the business only to replace stock actually sold.

- d) The net income shall be the gross remaining after the replacement of stock and business expenses have been considered, and the \$75 \$90.00 appropriate employment expenses (see Section 112.143). ~~and child-care expenses as specified in Section 112.143 have been deducted. -- The earned income exemption, if applicable, shall then be computed and deducted from the net remaining earned income. The child care expenses (see Section 112.143) shall then be deducted from the remaining earned income.~~

(Source: Amended at 14 Ill. Reg. 14140, effective August 17, 1990)

Section 112.147 Income From Rental Property

- a) Income received from rental property owned by a client is considered as earned if the money is produced by

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.147 Income From Rental Property (Cont'd)

the client's services. For example, managing the property or managing the capital investment are ways to qualify rental income as earned. If the client has no specific responsibility for management of the property or the investment the rental does not qualify as earned income.

- b) When determining net income, the reasonable and necessary rental expenses which the client incurs in the production of income may be deducted from the gross income. Reasonable and necessary rental Section-112.147-expenses include repairs, taxes, insurance, and utilities if the landlord pays them.
- c) If a client is responsible for cleaning a room and providing clean linens, the income which he receives shall be considered earned income from a roomer rather than earned income from rental property.
- d) ~~After deduction of rental expenses, the appropriate employment expenses, and child-care expenses, as specified in Section 112.143, shall be deducted to determine net rental income.~~
- e) ~~The earned income exemption, if applicable, shall be deducted from net rental income.~~
- d) After deduction of rental expenses, the \$90.00 employment expense, as specified in Section 112.143, shall be deducted.
- e) ~~The earned income exemption, if applicable, as specified in Section 112.141, shall be deducted.~~
- f) ~~Child care expenses, as specified in Section 112.143, shall then be deducted from the remainder.~~

(Source: Amended at 14 Ill. Reg. 14140, effective August 17, 1990)

NOTICE OF ADOPTED AMENDMENTS
SUBPART I: OTHER PROVISIONS

Section 112.330 Six-Twelve Month Extension of Medical Assistance Due to Increased Income from Employment (Cont'd)

A six-(6)-twelve (12) month extension of medical assistance shall be provided for AFDC cases when AFDC assistance is terminated due to increased hours or increased income from employment. This extension shall begin with the AFDC case's first month of ineligibility and shall apply only to the extent that the extensions of Section 112.332 are inapplicable. Ineligibility may result from initial or increased earnings.

(Source: Amended at 14 Ill. Reg. 14140, effective August 17, 1990)

Section 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

- a) A nine-(9)-month extension of medical assistance shall be provided for AFDC cases when assistance is discontinued due to the termination of the \$30-and one-third-of-\$30-earned income disregard.
- b) An additional six-(6)-month extension of medical assistance shall be provided for AFDC cases immediately following the ninth month of extended medical assistance if the family would receive cash assistance with the application of the earned income exemption (see Section 112.141).

(Source: Repealed at 14 Ill. Reg. 14140, effective August 17, 1990)

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: GENERAL ASSISTANCE

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers: Adopted Action:
114.9 Amendment
114.235 Amendment
114.241 Amendment
114.430 Amendment

4) Statutory Authority:

89 Ill. Adm. Code 114.9

Section 6-1, 6-2, 11-15 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 6-1, 6-2, 11-15 and 12-13)

89 Ill. Adm. Code 114.235 and 114.241

Sections 6-1.2, 6-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 6-1.2, 6-2 and 12-13)

89 Ill. Adm. Code 114.430

Sections 5-2, 5-4, 6-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-2, 5-4, 6-2 and 12-13)

5) Effective Date of Adopted Amendments: August 17, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Adopted Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: August 17, 1990

9) Notices of Proposal Published in Illinois Register:

89 Ill. Adm. Code 114.9

February 23, 1990 (14 Ill. Reg. 2821)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

89 Ill. Adm. Code 114.235 and 114.241

April 20, 1990 (14 Ill. Reg. 5713)

89 Ill. Adm. Code 114.430

April 27, 1990 (14 Ill. Reg. 5945)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments?

89 Ill. Adm. Code 114.9 - Yes

A) Statement of Objection: August 10, 1990 (14 Ill. Reg. 12994)

B) Agency Response: August 31, 1990 (14 Ill. Reg. 14218)

C) Date Agency Response Submitted for Approval to JCAR: August 2, 1990

89 Ill. Adm. Code 114.235 and 114.241 - Yes

A) Statement of Objection: August 10, 1990 (14 Ill. Reg. 13005)

B) Agency Response: August 31, 1990 (14 Ill. Reg. 14218)

C) Date Agency Response Submitted for Approval to JCAR: August 2, 1990

89 Ill. Adm. Code 114.430 - Yes

A) Statement of Objection: August 10, 1990 (14 Ill. Reg. 13008)

B) Agency Response: August 31, 1990 (14 Ill. Reg. 14218)

C) Date Agency Response Submitted for Approval to JCAR: August 2, 1990

11) Differences between proposal and final version:

89 Ill. Adm. Code 114.9

Based on comments received from the Joint Committee on Administrative Rules, the following changes were made to this amendment:

- 1) at line 1 of subsection (d), the words "are to" are changed to "shall";

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 2) at line 9 of subsection (e), the word "must" is changed to "shall";

- 3) at lines 11, 17 and 20 of subsection (f), the words "will" and "must" are changed to "shall";

- 4) at line 1 of subsection (f)(3), after the word "extension", the phrase "either verbally or in writing," is inserted; and

- 5) at line 4 of subsection (f)(3), immediately before the comma, the phrase "such as a copy of the request that was sent to the third party" is inserted.

89 Ill. Adm. Code 114.235 and 114.241

Based on comments received from the Joint Committee on Administrative Rules, the following changes were made to the text of these amendments:

- 1) at lines 2 and 4 of Section 114.235(a), the word "reasonable" is deleted;

- 2) at line 1 of Section 114.235(b), after the word "from" the word "the" is inserted; and

- 3) at line 2 of Section 114.235(c), after the word "relative" the phrase "(see 89 Ill. Adm. Code 103.10(b))" is inserted.

89 Ill. Adm. Code 114.430

No changes were made to the text of this rulemaking.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Adopted Amendments replace an Emergency Amendment currently in effect? No

- 14) Are there any Adopted Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
114.250	Amendment	June 22, 1990 (14 Ill. Reg. 9815)

15) Summary and Purpose of Adopted Amendments:

89 Ill. Adm. Code 114.9

This rulemaking places into rule specific timeframes for the return of information necessary to determine an individual's eligibility for assistance under the General Assistance Program.

89 Ill. Adm. Code 114.235 and 114.241

This rulemaking: (1) increases the standard work expense from \$75.00 to \$90.00; and (2) increases the limit on dependent child care from \$160.00 to \$175.00 for children age two and above and to \$200.00 for children under age two.

89 Ill. Adm. Code 114.430

This rulemaking authorizes a twelve month extension of medical assistance to General Assistance cases consisting of at least one adult and one child when General Assistance is terminated due to increased income from employment.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Description of the Assistance Program
Incorporation By Reference

Section
114.1
114.5

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.9	Client Cooperation
114.10	Citizenship
114.20	Residence
114.30	Age
114.40	Relationship
114.50	Living Arrangement
114.52	Social Security Numbers
114.60	Work Registration Requirements
114.61	Individuals Exempt From Work Registration Requirements
114.62	Job Service Registration
114.63	Failure to Maintain Current Job Service Registration
114.64	Responsibility to Seek Employment
114.70	Initial Employment Expenses
114.80	Work and Training Programs
114.85	Downstate General Assistance - Food Stamps Employment and Training Pilot Project
114.90	Project Chance Participation/Cooperation Requirements (Renumbered)
114.100	General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section	
114.108	Project Advance
114.109	Project Advance Participation Requirements of Adjudicated Fathers
114.110	Project Advance Cooperation Requirements of Adjudicated Fathers
114.111	Project Advance Sanctions
114.113	Project Advance Good Cause for Failure to Comply
114.115	Individuals Exempt From Project Advance

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: PROJECT CHANCE

Section
114.117 Project Advance Supportive Services
114.120 Employment, Training, Rehabilitation, and Advocacy
for General Assistance Programs Administered by the
Illinois Department of Public Aid
114.121 Persons Required to Participate in Employment and
Training
114.122 Advocacy Program for Persons Who Have Applied for
Supplemental Security Income (SSI) Under Title XVI
of the Social Security Act
114.123 Persons in Need of Work Rehabilitative Services
(WRS) to Become Employable
114.124 Employment and Training Participation/Cooperation
Requirements
114.125 Employment and Training Program Orientation
114.126 Employment and Training Program Full Assessment
Process/Development of an Employment Plan
114.127 Employment and Training Program Components
114.128 Employment and Training Sanctions
114.129 Good Cause For Failure to Cooperate With Work and
Training Participation Requirements
114.130 Employment and Training Supportive Services
114.140 Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section
114.200 Unearned Income
114.201 Budgeting Unearned Income
114.202 Budgeting Unearned Income of Applicants Receiving
Income On Date of Application And/Or Date of Decision
114.203 Initial Receipt of Unearned Income
114.204 Termination of Unearned Income
114.210 Exempt Unearned Income
114.220 Education Benefits
114.221 Unearned Income In-Kind
114.222 Earmarked Income
114.223 Lump Sum Payments
114.224 Protected Income
114.225 Earned Income
114.226 Budgeting Earned Income
114.227 Budgeting Earned Income of Applicants Receiving
Income On Date of Application And/Or Date of Decision
114.228 Initial Employment
114.229 Termination of Employment
114.230 Exempt Earned Income

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
114.235 Recognized Employment Expenses
114.240 Income From Work/Study/Training Program (Repealed)
114.241 Earned Income From Self-Employment
114.242 Earned Income From Roomer and Boarder
114.243 Earned Income From Rental Property
114.244 Earned Income In-Kind
114.245 Payments from the Illinois Department of Children
and Family Services
114.246 Budgeting Earned Income For Contractual Employees
114.247 Budgeting Earned Income For Non-contractual School
Employees
114.250 Assets
114.251 Exempt Assets
114.252 Asset Disregards
114.260 Deferral of Consideration of Assets (Repealed)
114.270 Property Transfers
114.280 Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section
114.350 Payment Levels for General Assistance
114.351 Payment Levels in Group I Counties
114.352 Payment Levels in Group II Counties
114.353 Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section
114.400 Persons Who May Be Included In the Assistance Unit
114.401 Eligibility of Strikers
114.402 Special Needs Authorizations
114.403 Institutional Status
114.404 Retrospective Budgeting
114.405 Budgeting Schedule
114.420 Redetermination of Eligibility
114.430 Six-Twelve Month Extension of Medical Assistance Due
to Increased Income From Employment

SUBPART H: CHILD CARE

Section
114.450 Child Care
114.452 Child Care Eligibility
114.454 Qualified Provider
114.456 Notification of Available Services
114.458 Participant Rights and Responsibilities

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section

114.462 Additional Service to Secure or Maintain Child Care Arrangements
114.464 Rates of Payment for Child Care
114.466 Method of Providing Child Care

SUBPART I: TRANSITIONAL CHILD CARE

Section

114.500 Transitional Child Care Eligibility
114.504 Duration of Eligibility for Transitional Child Care
114.506 Loss of Eligibility for Transitional Child Care
114.508 Qualified Provider
114.510 Notification of Available Services
114.512 Participant Rights and Responsibilities
114.514 Child Care Overpayments and Recoveries
114.516 Fees for Service for Transitional Child Care
114.518 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 6-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg.

NOTICE OF ADOPTED AMENDMENTS

243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 5297, 2307, effective January 16, 1987; amended at 11 Ill. Reg. 6238, effective March 11, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E reclassified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 reclassified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 114.9 Client Cooperation

- a) As a condition of eligibility, clients must cooperate:
 - 1) in the determination of eligibility;
 - 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
 - 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.
- b) Clients are required to avail themselves of all potential resources.
- c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.
- d) At screening, applicants shall be informed, in writing, of any information they are to provide at the eligibility interview.
- e) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 114.9 Client Cooperation (Cont'd.)

Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

d) f) During the application process, when the applicant is requested to provide third party information and has not requested the third party information and/or cannot provide written verification of the request for third party information by the last day of the time period on the information request form, the application shall be denied on the following work day. At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department shall allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant shall provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.

2) The Department shall advise clients of the need to provide written verification of third party

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 114.9 Client Cooperation (Cont'd.)

information requests and the consequences of failing to provide such verification.

3) If the applicant requests an extension either verbally or in writing in order to obtain third party information and provides written verification of the request for the third party information such as a copy of the request that was sent to the third party, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety (90) day period is the calendar day following the date of application. The 90th day must be a work day.

3) 4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at 14 Ill. Reg. 14162, effective August 17, 1990)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.235 Recognized Employment Expenses

- a) For employment expenses, \$75.00 shall be deducted from gross income of each employed individual.
- b) In addition, for earnings for self-employment and rental property an amount equal to the reasonable expenses directly attributable to producing goods or services or an amount equal to the reasonable expenses of rental shall be deducted from income.
- a) For earnings from self-employment and rental property, an amount equal to the expenses directly attributable to producing goods or services or an amount equal to the expenses of rental shall be deducted from income.
- b) For employment expenses, \$90.00 shall be deducted from the gross earned income of each employed individual.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 114.235 Recognized Employment Expenses (Cont'd)

c) Child Care

- 1) Expenses of child care shall be deducted from income up to a maximum of \$160 \$200.00 per child or \$128 per child if the client is not full-time employed or not employed throughout the month as defined below for each child under the age of two (2) and \$175.00 for each child age two (2) and over.

- 2) The child care deduction is not allowed when the child care provider is a responsible relative (see 89 Ill. Adm. Code 103.10(b)) of the child receiving care.

d) Full-time employment means the individual is employed for at least 100 hours during the month. Employed throughout the month means the individual is employed at least one-half of the days of the month.

(Source: Amended at 14 Ill. Reg. 14162, effective August 17, 1990)

Section 114.241 Earned Income From Self-Employment

- a) Income realized from self-employment shall be considered earned income.
- b) Accurate and complete records shall be kept on all monies received and spent through self-employment. If the individual fails or refuses to maintain complete business records, the assistance unit shall be ineligible.
- c) Business expenses shall be verified. The individual shall have full responsibility for proof of any business expense. No deduction shall be allowed for depreciation, obsolescence and/or similar losses in the operation of the business. Gross income from the business shall be turned back into the business only to replace stock actually sold.
- d) The net income shall be the gross remaining after the replacement of stock and business expenses have been considered, and the \$75 \$90.00 appropriate employment

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 114.241 Earned Income From Self-Employment (Cont'd)

expenses and child care expenses, as specified in Section 114.235, have been deducted. The earned income exemption if applicable shall be computed on the net income.

(Source: Amended at 14 Ill. Reg. 14162, effective August 17, 1990)

SUBPART G: OTHER PROVISIONS

Section 114.430 Six Twelve Month Extension of Medical Assistance Due to Increased Income from Employment

A six-~~to~~ twelve (12) month extension of medical assistance (i.e., full Medicaid benefits) shall be provided for General Assistance cases consisting of at least one adult and one child when General Assistance is terminated due to increased income from employment. This extension shall begin with the General Assistance case's first month of ineligibility. Ineligibility may result from initial or increased earnings.

(Source: Amended at 14 Ill. Reg. 14162, effective August 17, 1990)

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of Part: Cancellation, Revocation, or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3) Section Numbers Adopted Action

1040.46 Amendment

4) Statutory Authority: Sections 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-104(b)) and Section 6-206 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-206).

5) Effective Date of Amendments: August 21, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: August 21, 1990

9) Notice of Proposal Published in Illinois Register: 14 Ill. Reg. 5488 (April 13, 1990).

10) Has JCAR Issued a Statement of Objections to this Rule? No.

11) Differences between proposal and final version.

Pursuant to suggestions from the Administrative Code Division, Office of the Secretary of State, the following changes were made:

In Section 1040.46(b), lines 3 and 4, "92 Ill. Adm. Code 1040.2" was changed to Section 1040.20". The same change was made to subsection (c)(2) and (h). The Illinois Revised Statute citations were removed from subsection (a) - "Reckless Driving", "Safety Responsibility Suspension", and "Unsatisfied Suspension"; a return was removed to make the definition one paragraph. In subsection (c)(3), line 3, "of the Illinois Driver Licensing Law" was placed before "of the Illinois Vehicle Code". In subsections (c)(3) and (4), (f), and (g), the Ill. Rev. Stat. citations were removed.

Pursuant to an agreement with the Joint Committee on Administrative Rules of the Office of the Secretary of State, the following changes were made:

Section 1040.46(c) provides "suspensions and revocations under these provisions shall be based on the number of points a person has accumulated and upon review of the individual's prior driving record, unless the conviction is an immediate action violation wherein no points are assigned. The points shall be assigned in the following manner."

NOTICE OF ADOPTED AMENDMENT(S)

After the language "prior driving record", we added "(see subsection (c)(3), (c)(4), and (c)(5))" to explain what standards the Secretary uses to suspend or revoke an individual's driver's license based upon an individual's prior driving record.

In Section 1040.46(a), new language was added to define "Type A Injury - severely bleeding wounds, distorted member or had to be carried from scene".

In Section 1040.46(c)(1), the word "personal" was deleted before the word "injury" in the first and second sentence.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes.

13) Will this rule replace any Emergency Rule(s) currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Rule: Section 1040.46 amends current rulemaking to place more emphasis on a person's total driving record when suspending or revoking a person's driving privileges for involvement in an accident involving personal injuries or fatalities.

16) Information and answers to questions regarding this Adopted Rule should be directed to:

Nancy G. Easum
Deputy General Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
Tel: 217/782-6250

The full text of the Adopted Rule begins on the next page.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

- Section
 1040.10 Court to Forward Licenses and Reports of Convictions
 1040.20 Illinois Traffic Offense Table
 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
 1040.30 3 or More Traffic Offenses Committed Within 12 Months
 1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation
 1040.32 Suspension or Revocation of Licenses or Permits Used Fraudulently
 1040.35 Commission of an Offense Requiring Mandatory Revocation Upon Conviction
 1040.38 Commission of a Traffic Offense in Another State
 1040.40 Repeated Convictions or Collisions
 1040.41 Suspension of Licenses for Curfew Violations
 1040.42 Fleeing and Eluding
 1040.43 Illegal Transportation
 1040.46 Fatal Accident and Personal Injury Suspensions or Revocations
 1040.48 Vehicle Emission Suspensions
 1040.50 Suspension or Revocation of a License of Commercial Vehicle Driver
 1040.55 Suspension or Revocation for Driver's License Classification Violations
 1040.60 Release of Information Regarding a Disposition of Court Supervision
 1040.65 Offenses Occurring on Military Bases
 1040.66 Invalidation of a Restricted Driving Permit
 1040.70 National Driver Register
 1040.100 Rescissions
 1040.101 Reinstatement Fees
- AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-201 et seq. and 6-700 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 11 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 1, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 27, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177 effective August 21, 1990.

Section 1040.46 Fatal Accident and Personal Injury Suspensions or Revocations

a) For purposes of this Section, the following definitions shall apply:

"Alcohol Related Suspension" - suspension in accordance with Section 6-206(a)(6), 6-206(a)(17), 6-206(a)(23) of the Illinois Driver's Licensing Law of the Illinois Vehicle Code and Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-206(a)(6), (17), and (23) and 11-501.1.)

"Auto Emissions Suspension" - suspension for failure to have vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 13A-101 et seq.)

"Curfew Violation Suspension" - suspension of a minor for operating a vehicle on a highway after a prescribed hour without an adult as otherwise provided in Section 1 of "AN ACT relating to a curfew for certain children". (Ill. Rev. Stat. 1987, ch. 23, par. 2371.)

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" - suspension for failing to appear in court or pay fine after being issued a traffic ticket.

"Financial Responsibility Suspension" - suspension in accordance with Section 7-304 or 7-309 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 7-304 and 7-309.)

"Hospital" - an institution that provides medical or surgical care and treatment for the sick and injured.

NOTICE OF ADOPTED AMENDMENTS

1) Five (5) points shall be added to a person's point total for each a type A ~~per~~~~sonal~~ injury to a maximum of four persons. Five additional points shall be assigned for each type A injury for the fifth and each subsequent type A injury. ~~and~~ ~~fifteen~~ (15)

5) Five (5) points shall be added to the person's point total for any traffic-related conviction issued within one (1) year after two (2) years prior to or one (1) year subsequent to the accident date if the driver has been convicted of a violation of the following exceptions:

- d) For accidents involving no fatality, if a person accumulates zero (0) to ~~thirty-nine~~ (19) thirty-nine (39) points the Department shall take no action. ~~Twenty~~ (20) Forty (40) to ~~thirty~~ forty-nine (49) points

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section Numbers	Proposed Action	Illinois Register Citation
140.462	Amendment	April 20, 1990 (1 Ill. Reg. 5726)
140.463	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.471	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.472	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.473	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.474	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.475	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.476	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.477	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.478	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.479	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.480	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.481	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.528	Amendment	May 11, 1990 (14 Ill. Reg. 7027)
140.529	Amendment	July 20, 1990 (14 Ill. Reg. 11672)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section Numbers	Proposed Action	Illinois Register Citation
140.539	Amendment	July 6, 1990 (14 Ill. Reg. 10629)
140.542	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.543	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.544	Repealed	March 23, 1990 (14 Ill. Reg. 4415)
140.545	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.569	Amendment	May 25, 1990 (14 Ill. Reg. 7834)
140.642	Amendment	March 2, 1990 (14 Ill. Reg. 3019)
140.646	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.647	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.648	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.649	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.650	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.652	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140. Table H	Amendment	March 2, 1990 (14 Ill. Reg. 3019)

11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

- 12) Information and questions regarding this Emergency Amendment shall be directed to:

Name: Jean Merritt
Division of Medical Programs
Bureau of Long Term Care

Address: Illinois Department of Public Aid
Bloom Building
201 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-0545

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

140.1
140.2
140.3

Incorporation By Reference
Medical Assistance Programs
Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
Covered Medical Services Under GA and AMI
Medical Services Not Covered
Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Six
Medical Assistance For Qualified Severely Impaired Individuals
Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
Medical Assistance Provided to Incarcerated Persons

140.4

140.5
140.6
140.7

140.8

140.9

140.10

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section

140.11
140.12
140.13
140.14
140.15
140.16
140.17

Enrollment Conditions for Medical Providers
Participation Requirements for Medical Providers
Definitions
Denial of Application to Participate in the Medical Assistance Program
Recovery of Money
Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section	
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.71	Drug Manual (Recodified)
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

SUBPART C: HOSPITAL SERVICES

Section	
140.94	Hospital Services (Recodified)
140.95	Participation (Recodified)
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section	
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section	
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.460	Clinic Services
140.461	Clinic Participation Requirements
140.462	Covered Services in Clinics
140.463	Encounter Rate Clinic Payment
140.464	Psychiatric Clinics (Hospital-based)
140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section	
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Approval of Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Medichek Services
140.486	Limitations on Medichek Services
140.487	Payment on Medichek Services
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids

SUBPART E: GROUP CARE

Section	
140.500	Group Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Services Provided Without Charge
140.512	Utilization Control
140.513	Utilization Review Plan
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section	
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Eligibility For Quality Incentive Program (QUIP)
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive
140.529	Reviews
140.530	Basis of Payment for Group Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports--Filing Requirements (Emergency Expired)
140.543	Time Standards for Filing Cost Reports (Emergency Expired)
140.544	Access to Cost Reports (Emergency Expired)
140.545	Penalty for Failure to File Cost Reports (Emergency Expired)
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
EMERGENCY	
140.563	Capital Costs
140.565	Incentive Payments for Quality Care (Repealed)
140.566	Level I Incentive Payments (Repealed)
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section	
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Fair Rental Value (FRV) Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Costs for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements
140.581	Qualifying as Mandated Capital Improvement
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Long Term Care Screening Assessment (Emergency Expired)
140.643	In-Home Care Program
140.645	Medical and In-Home Care For Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training for the Mentally Retarded Who Reside in Long Term Care Facilities (Emergency Expired)
140.647	Description of Developmental Training Service Levels (Emergency Expired)
140.648	Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded (Emergency Expired)
140.649	Effective Dates of Reimbursement for Day Programs (Emergency Expired)
140.650	Certification of Day Programs (Emergency Expired)
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts (Emergency Expired)
140.680	Effective Date of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care
SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES	
140.850	Facility/Client Participation (Recodified)
140.855	Evaluation Of Need For Care (Recodified)
140.860	Payment (Recodified)
140.865	Definitions (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section	
140.870	Guidelines (Recodified)
140.875	Intermediate Care (ICF/MR) (Recodified)
140.880	Skilled Care (SNF/PED) (Recodified)
140.885	Statewide Rates (Recodified)
140.890	Reimbursement for ICF/MR-15 and Under Facilities (Recodified)
140.895	Night Shift Reimbursement (Recodified)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)

SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section	
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section	
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
TABLE A	Medichex Recommended Screening Procedures
TABLE B	Health Service Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity (Emergency Expired)
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1,

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1157, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128,

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916 I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 thru 147.207 effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990 for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

SUBPART E: GROUP CARE

Section 140.562 Nursing Costs

EMERGENCY

- a) The Department reimburses for nursing costs based on geographic area in which the facility is based, and the level of care the facility (or distinct part thereof) is licensed to provide. Nursing costs also include an increment to reimburse for patients requiring skilled care for differences in support cost areas statistically related to variable patient conditions. For residents in Skilled Nursing Facilities (SNF) and Intermediate Care Facilities (ICF), the Department reimburses for nursing costs according to Sections 140.900 through 140.907; for residents in Skilled Nursing Facilities for Pediatrics (SNF/PED) or Intermediate Care Facilities for the Medically Retarded (ICF/MR), the Department reimburses for nursing costs according to Sections 140.850 through 140.885.
- b) For the period July 1, 1986, through December 31, 1986, no facility's rate of reimbursement for Nursing Services shall be less than 90% of the rate of reimbursement for Nursing Services that facility received for the period January 1, 1986, through June 30, 1986.
- c) For the period July 1, 1986 through December 31, 1986, the Department shall perform an additional computation for the rate of reimbursement for Nursing Services.
- 1) For intermediate and skilled care facilities, the additional computation is as follows:
 - A) Unadjusted nursing rates will be computed according to Section 140.905.
 - B) The unadjusted nursing rate will be compared to 90 percent of the previous effective rate for Nursing Services for each facility. The greater of the two rates will be the "hold harmless" nursing rate.
 - C) The mean difference between the "hold harmless" nursing rates and the previous effective nursing rates will be computed for

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section 140.562
EMERGENCY

Nursing Costs (Cont'd.)

each HSA area. This difference will be an interim base for the HSA area.

D) The adjusted nursing rate will be the sum of the "hold harmless" nursing rate and the interim base rate.

2) For intermediate and skilled care facilities for the developmentally disabled, the additional computation is as follows:

A) Unadjusted nursing rates will be computed according to Section 140.885.

B) The mean difference between the unadjusted nursing rates and the previous effective nursing rates will be computed for each licensure group. This difference will be an interim base rate for the licensure group.

C) The adjusted nursing rate will be the sum of the unadjusted nursing rate and the interim base rate.

d) For the period January 1, 1987 through June 30, 1987, the nursing rate component for any skilled and intermediate care facility (not including facilities for the developmentally disabled) will be the higher of either the rate for the prior rate period (July 1, 1986 through December 31, 1986) or the rate as calculated according to Subpart G.

e) For the period January 1, 1987 through June 30, 1987, the nursing rate component for facilities for the developmentally disabled will be the same as for the prior rate period (July 1, 1986 through December 31, 1986).

f) For the period July 1, 1987, through December 31, 1987, the nursing rate component (updated for wage inflation from January 1, 1987, through January 1, 1988, as computed in Sections 140.909(b)(1)(A)(iv) and (v)) for long term care facilities for the developmentally disabled will be the same as for the

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section 140.562
EMERGENCY

Nursing Costs (Cont'd.)

prior rate period (January 1, 1987, through June 30, 1987).

g) For the period January 1, 1988 through June 30, 1988, the nursing rate component for facilities for the developmentally disabled will be the same as for the prior rate period (July 1, 1987 through December 31, 1987).

h) For the period July 1, 1989 1990, through December 31, 1989 and the period January 1, 1990 through June 30, 1990 1992, nursing rates established for all long term care facilities with a SNF, ICF, or ICF-MI license shall be increased by a 7.1% nursing wage adjustment factor.

(Source: Emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

2) Code Citation: 89 Ill. Adm. Code 147

3) Section Numbers: Emergency Action:

147.150 Amendment

147.205 Amendment

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

5) Effective Date of Amendments: August 16, 1990

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date Filed in Agency's Principal Office: August 16, 1990

8) Reason for Emergency: This rulemaking seeks to address the immediate threat to the public health, safety and welfare caused by the widening disparity that exists between southern regions of the State and the northern area long term care reimbursement rates. In fiscal year 1990 the disparity between wages was 33%; in fiscal year 1991 that gap would increase by 14% to 47%. Since Department reimbursement rates include a factor which accounts for wages paid facility staff, this wage differential translates into virtually identical rate disparities between the two regions. Facilities are facing higher costs because of the new minimum wage law and requirements of federal legislation contained in the Omnibus Budget Reconciliation Act of 1987 (OBRA '87). As a result, facilities in the southern region are unable to deliver services that facilities in the northern area are able to provide because of higher Department reimbursement rates. By calculating the regional mean wages after replacing those wages below the statewide average by 90% of the statewide average, the policy implemented by this rulemaking will serve to alleviate the disparity in the kind and quality of care that is delivered throughout the State. To ensure that the health, safety and welfare of Illinois' citizens residing in long term care facilities is not adversely affected by unequal treatment, the Department

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- has determined that this is a rulemaking that requires adoption on fewer days than is required by the Administrative Procedure Act.

9) A Complete Description of the Subjects and Issues Involved: This rulemaking addresses the disparity in reimbursement rates that exists between the kind and quality of services provided downstate and Chicago area long term care residents by calculating the regional mean wages after replacing those wages below the statewide average by 90% of the statewide average.

10) Are there any Proposed Amendments pending to this Part? Yes

There is still an emergency amendment in affect on Section 147.150 which is not affected by this set of emergency amendments. The emergency amendment appears at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days. The copy filed in the Administrative Code Division reflects both emergency rules.

Section Numbers	Proposed Action	Illinois Register Citation
147.150	Amendment	May 4, 1990 (14 Ill. Reg. 6664)
147.250	New Section	April 13, 1990 (14 Ill. Reg. 5434)
147.300	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.305	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.310	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.315	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.320	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.325	New Section	June 15, 1990 (14 Ill. Reg. 9355)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
147.330	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.335	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.340	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.345	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.350	New Section	June 15, 1990 (14 Ill. Reg. 9355)

11) Statement of Statewide Policy Objectives: This rulemaking has no effect on Local Government Units.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Jean Merritt
Division of Medical Programs
Bureau of Long Term Care

Address: Illinois Department of Public Aid
Bloom Building
201 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-0545

The full text of the Emergency Amendments begin on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147
REIMBURSEMENT FOR NURSING COSTS FOR
GERIATRIC FACILITIES

Section	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities
147.5	Functional Needs and Restorative Care
147.25	Service Needs
147.50	Definitions
147.75	Reconsiderations
147.100	Midnight Census Report
147.105	Times and Staff Levels
147.125	Statewide Rates
147.150	
EMERGENCY	
147.175	Referrals
147.200	Basic Rehabilitation Aide Training Program
147.205	Nursing Rates
EMERGENCY	
147.300	Determination of Program (Specialized Services) Costs
140.305	Specialized Service Requirements for Individuals with Mental Illness in Residential Facilities
147.310	Inspection of Care (IOC) Review Criteria for the Evaluation of Specialized Services in Residential Facilities for Individuals with Mental Illness
147.315	Comprehensive Functional Assessments and Reassessments
147.320	Interdisciplinary Team (IDT)
147.325	Comprehensive Care Plan (CCP)
147.330	Specialized Care - Administration of Psychopharmacologic Drugs
147.335	Specialized Care - Behavioral Emergencies
147.340	Discharge Planning
147.345	Reimbursement for Program Costs in Nursing Facilities Providing Specialized Services for Individuals with Mental Illness
147.350	Reimbursement for Program Costs in Nursing Facilities Providing Active Treatment for Individuals with Developmental Disabilities
TABLE A	Staff Time and Allocation by Need Level
TABLE B	Staff Time and Allocation for Restorative Program

TABLE A	TABLE B
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DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140. Table H and 140. Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

AGENCY NOTE: The text of Section 147.150 which appears below does not include the emergency amendment adopted at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days. The copy filed with the Administrative Code Division reflects both emergency amendments.

Section 147.150 Statewide Rates
EMERGENCY

- a) This Section will become effective January 1, 1987. 89 Ill. Adm. Code 140.905 will no longer be utilized for determining reimbursement rates as of January 1, 1987.
- b) Per diem reimbursement rates for nursing care in intermediate and skilled care facilities consist of six elements: variable time reimbursement, training time reimbursement, fixed time reimbursement, fringe benefit reimbursement, and reimbursement for allowable costs of supplies, consultants, medical and nursing directors, and therapies.
- 1) Variable Time Reimbursement. Variable nursing time is that time necessary to meet the major service needs of residents which vary due to

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 147.150 Statewide Rates (Cont'd.)
EMERGENCY

their physical or mental conditions. Each need level or specific nursing service measured by the Resident Assessment Instrument is associated with an amount of time and staff level (Sections 147. Table A and 147. Table B). Reimbursement is developed by multiplying the time for each service by the wage(s) of the type of staff performing the service except for occupational therapy, physical therapy and speech therapy. If more than one level of staff are involved in delivering a service, reimbursement for that service will be weighted by the wage and number of minutes allocated to each staff type. When a service can be provided by either an RN or an LPN, the wage used will be weighted by the average mix of RNs and LPNs in the sample of facilities used to set rates.

A) Determination of wages. In calculating the rate, the figures used by the Department for "wages" will be determined in the following manner:

- i) The mean wages for the applicable staff levels (RN's, LPN's, Nurse Aides) as reported on the cost reports and determined by geographical location will be the base.
- ii) Fringe benefits and payroll taxes will be calculated according to the statewide ratio of fringe benefits and payroll taxes to total wages measured from the sample of facilities used to set rates;
- iii) The resulting fringe benefits and payroll taxes will be added to the base;
- iv) This new total will then be updated for inflation from the time period for which the wage data are available to the midpoint of the rate year to recognize projected wage changes. The wage inflation rate used to update

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 147.150 Statewide Rates (Cont'd.)

EMERGENCY

wages will be determined by comparing the historical change in nursing home wages in Illinois between 1976 and the time the latest wage information is available to the change in the DRI average hourly earnings, production workers for nursing and personal care facilities index for the U.S. for the same period.

- v) The resulting ratio will be applied to the projected change in the Data Resources Incorporated (DRI) average hourly earnings, production workers for nursing and personal care facilities for the U.S. between the cost report year and the midpoint of the rate year. This yields a wage inflation rate which will be applied to the total rate described in subparagraph (c) to produce total wages by applicable staff levels and geographic location.

- vi) Special minimum wage factor. For the period July 1, 1990, through June 30, 1991, the Department will modify the process used in (b)(1)(A)(i) to determine regional mean wages for Registered Nurses (RN), Licensed Practical Nurses (LPN) and nurse aides to include a minimum wage factor. For those homes below the statewide average the wage is replaced by 90% of the statewide average.

- B) Determination of Times and Staff Levels. The times and staff levels have been assigned by a panel of administrators and nurses active in long term care. Prior time/motion studies were used to assist the panel. These times will be reviewed periodically to insure that they accurately reflect nursing practice in the State.

2) Training Time Reimbursement

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 147.150 Statewide Rates (Cont'd.)

EMERGENCY

Training Time Reimbursement is determined by assessed need for training, the time allotted for training and the wage rates for licensed and nurse aide staff during the rate year.

- 3) Fixed Time Reimbursement. Fixed or indirect nursing time is that time which does not vary with resident condition or which cannot be measured by an assessment tool. It includes such items as staff meetings, supervision, "downtime", checking physicians' orders and time spent with residents which does not vary with condition. A statewide sample of residents will be used to determine "fixed" time. The mean variable time will be computed for the sample for each level of care, and this amount subtracted from Department of Public Health Minimum Staffing Ratios plus 5% for each level of care. (Department of Public Health Minimum Staffing Ratios, which are measured in terms of time, can be found in 77 Ill. Adm. Code 1230). Once the "fixed" time has been determined, the minutes will be weighted at 20% licensed and 80% unlicensed time and multiplied by the appropriate wage. This amount will be added to variable time for each resident in the sample. If fixed time is less than zero minutes, then it will equal zero.
- 4) Vacation, Sick Leave and Holiday Time. The time to be added for vacation, sick leave and holidays will be determined by multiplying the sum of Variable and Fixed Time by 5%. This time will then be weighted by 80% unlicensed and 20% licensed wages to determine the amount to be added to the rate for these benefits.
- 5) Special Supplies, Consultants and the Director of Nursing. Finally, amounts will be added for health care and program supplies, consultants required by Department of Public Health (including the Medical Director), and the Director of Nursing. (A list of consultants required by the Department

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 147.150 Statewide Rates (Cont'd.)
EMERGENCY

for fixed time (see (b) above) and amounts for vacation, sick and holiday time (see (c) above), supplies, consultants, and the Director of Nursing, (see (d) above). The average of the rates for residents assessed will become the facility's per diem reimbursement rate for each Medicaid patient in the facility for the next six months, at which time a new rate based on the most recent facility profile will be effective.

- 2) A copy of the Resident Assessment will be left with the facility upon completion.

- d) Adjustment in Instrument. Residents assessed as being in need of a service but is not receiving the required service will be scored solely as need not met. The level of care will not be scored. If the facility implements the required service(s) within thirty (30) days of the Inspection of Care (IOC) Exit and notifies the Department within thirty (30) days of the IOC Exit, via certified mail, the service in question will be reassessed within sixty (60) days of the date of notification. Upon reassessment, if the service need is found to be met an amended 2700 will be forwarded to the DPA. Upon receipt of the amended 2700 the facility's rate will be adjusted retroactive to the date the DPA Case Manager determines the service began.

(Source: Emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days)

Section 147.205 Nursing Rates
EMERGENCY

For residential nursing services provided to Medicaid residents in skilled and intermediate care facilities from January 1, 1989, and thereafter, the Department will determine nursing rates according to the following four steps:

- a) Calculation of preliminary the nursing rate: For each facility, a preliminary the nursing rate will be computed according to the methods specified in Section 147.150(b), employing reimbursable staff times as

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 147.150 Statewide Rates (Cont'd.)
EMERGENCY

of Public Health can be found in 77 Ill. Adm. Code 300.830).

- A) Supplies will be updated for inflation using the General Services Inflator (see 89 Ill. Adm. Code 140.551). A standard amount by level of care will be allocated for supplies. This amount will be determined based on the ratio of median updated supply costs by region to median costs for variable and fixed time by level of care (SNF/ICF) by region).

- B) The same analysis will be used to determine an amount for Consultants (including Medical Director) and the Director of Nursing. However, these costs will be updated with the wage inflation rate.

- 6) Therapies. Reimbursement for physical therapy, occupational therapy, and speech therapy will not be based upon individual resident need assessments, but upon the total therapy program days the facility provided to Medicaid residents over the six-month period prior to and including the resident assessment date. These therapy days, by therapy type and level (see Table H) will be associated with staff time per day as shown in Table H and staff wages to produce a per diem rate for each of the three therapy types.

c) Determination of Facility Rates.

- 1) The rate each facility receives will be determined by the assessed needs of residents the facility serves. Every other quarter nurses from Department of Public Aid (DPA) will conduct an assessment of 100% of the Medicaid residents by level of care in each home. The needs of the residents in the sample will be assessed with the Resident Assessment Instrument. An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wage/wages for each assessment item (see (a) above), adding the appropriate amount

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 147.205 Nursing Rates

EMERGENCY

specified in Section 147. Tables A and B for all assessment items.

- b) Calculation of minimum nursing rate:--For each facility, a minimum rate will be computed as the sum of the preliminary nursing rate (see Section 147.205(a) above) and sixty percent of the difference between the preliminary nursing rate and the nursing rate paid over the previous rate period. If the preliminary nursing rate is greater than the nursing rate paid over the period July 17, 1988 through December 31, 1988, the minimum rate will equal the preliminary nursing rate.
- eb) Calculation of new computed final nursing rate: for each facility, a new computed final nursing rate will be equal to the sum of the preliminary nursing rate (see Section 147.205 subsection (a) above) plus a regionally adjusted factor an add on for Care Planning equal to \$1.50 thirty-five cents (35 ¢) per resident day, statewide. The regional adjustment will be performed by multiplying \$1.50 per resident day by the ratio of HSA (Health Service Area) see Section 140-Table B) area wage rates to State wage rates for a weighted staff mix of 20 percent licensed and 80 percent unlicensed direct care staff. Wage rates are computed according to Section 147.150(b)(1).
- d) Calculation of final nursing rate:--For each facility the final nursing rate for residential services will be the greater of the minimum nursing rate (see Section 147.205(b) above) or the new computed nursing rate (see Section 147.205(e) above).

(Source: Emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers:

112.9	Refusal	Action:
112.130	Refusal	
112.131	Refusal	
112.141	Refusal	
112.143	Refusal	
112.145	Refusal	
112.147	Refusal	
112.330	Refusal	
112.332	Refusal	

4) Date Notice of Proposed Amendments Published in the Register:

89 Ill. Adm. Code 112.9

February 23, 1990 (14 Ill. Reg. 2798)

89 Ill. Adm. Code 112.130 thru 112.147

April 20, 1990 (14 Ill. Reg. 5695)

89 Ill. Adm. Code 112.330 and 112.332

April 27, 1990 (14 Ill. Reg. 5923)

5) Date JCAR Statement of Objection Published in the Register:

Feb. 22, 1990 (14 Ill. Reg. 2798)

Aug. 10, 1990 (14 Ill. Reg. 12977, 12980)

6) Summary of Action Taken by the Agency:

89 Ill. Adm. Code 112.9

Response To Objection 1 and 2:

The Joint Committee on Administrative Rules ("Joint Committee") has objected to the proposed amendment to the Department of Public Aid's amendments to 89 Ill. Adm. Code

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

112.9 "Client Cooperation" on the basis that the Department has implemented agency policy prior to completion of the general rulemaking procedures, in violation of Section 5(a) and 5.01(c) of the Illinois Administrative Procedure Act.

This rulemaking places into rule the specific timeframes for the return of information necessary to determine an individual's eligibility for assistance under the Aid to the Aged, Blind or Disabled Program. The Department acknowledges that some policy contained in this rulemaking has already been implemented. One of the purposes of this rulemaking was to remedy this oversight by placing the policy into rule.

Pursuant to Section 5.01 of the Illinois Administrative Procedure Act, the Department published the Notice of Proposed Amendment relating to this rulemaking describing the proposed changes. Interested parties were afforded the opportunity to comment on the proposed changes. Accordingly, the publication and notice requirements of the Illinois Administrative Procedure Act were satisfied. While, it is true that the Department implemented the policy contained in these rules prior to completion of the rulemaking process, there is no reasonable or practical action after the fact the Department can take.

Furthermore, it should be noted that the implementation of this amendment prior to its adoption did not have any adverse impact upon the public.

Therefore, the Department does not believe there has been any violation of the spirit and intent of Sections 5(a) and 5.01(c) of the Illinois Administrative Procedure Act and believe the objection is unwarranted.

Response To Objection 3:

The Joint Committee has also objected to this rulemaking because it believes the Department failed to consider a comment received regarding this rulemaking.

The Department disagrees and stands by its position that the one comment received did not directly relate to this rulemaking. Therefore, there was nothing to evaluate.

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

89 Ill. Adm. Code 112.130 thru 112.147

Response To Objection:

The Joint Committee has objected to the proposed amendment to the Department of Public Aid's amendments to 89 Ill. Adm. Code 112.130 thru 112.147 on the basis that the Department has implemented agency policy prior to completion of the general rulemaking procedures, in violation of Section 5(a) and 5.01(c) of the Illinois Administrative Procedure Act.

This rulemaking revises the Department's policy on earned income disregards. The Department acknowledges that some policy contained in this rulemaking has already been implemented. One of the purposes of this rulemaking was to remedy this oversight by placing the policy into rule.

Pursuant to Section 5.01 of the Illinois Administrative Procedure Act, the Department published the Notice of Proposed Amendment relating to this rulemaking describing the proposed changes. Interested parties were afforded the opportunity to comment on the proposed changes. Accordingly, the publication and notice requirements of the Illinois Administrative Procedure Act were satisfied. While, it is true that the Department implemented the policy contained in these rules prior to completion of the rulemaking process, there is no reasonable or practical action after the fact the Department can take.

Furthermore, it should be noted that the implementation of this amendment prior to its adoption did not have any adverse impact upon the public.

Therefore, the Department does not believe there has been any violation of the spirit and intent of Sections 5(a) and 5.01(c) of the Illinois Administrative Procedure Act and believe the objection is unwarranted.

89 Ill. Adm. Code 112.330 and 112.332

Response To Objection:

The Joint Committee has objected to the proposed amendment to the Department of Public Aid's amendments to 89 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

Adm. Code 112.330 and 112.332 on the basis that the Department has implemented agency policy prior to completion of the general rulemaking procedures, in violation of Section 5(a) and 5.01(c) of the Illinois Administrative Procedure Act.

This rulemaking authorizes a twelve month extension of medical assistance to individuals receiving assistance under the Aid To Families With Independent Children (AFDC) program when AFDC is terminated due to increased hours or increased income from employment.

Pursuant to Section 5.01 of the Illinois Administrative Procedure Act, the Department published the Notice of Proposed Amendment relating to this rulemaking describing the proposed changes. Interested parties were afforded the opportunity to comment on the proposed changes. Accordingly, the publication and notice requirements of the Illinois Administrative Procedure Act were satisfied. While, it is true that the Department implemented the policy contained in these rules prior to completion of the rulemaking process, there is no reasonable or practical action after the fact the Department can take.

Furthermore, it should be noted that the implementation of this amendment prior to its adoption did not have any adverse impact upon the public.

Therefore, the Department does not believe there has been any violation of the spirit and intent of Sections 5(a) and 5.01(c) of the Illinois Administrative Procedure Act and believe the objection is unwarranted.

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

1) The Heading of the Part: GENERAL ASSISTANCE

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers: Action:
114.9 Refusal
114.235 Refusal
114.241 Refusal
114.430 Refusal

4) Date Notice of Proposed Amendments Published in the Register:

89 Ill. Adm. Code 114.9

February 23, 1990 (14 Ill. Reg. 2821)

89 Ill. Adm. Code 114.235 and 114.241

April 20, 1990 (14 Ill. Reg. 5713)

89 Ill. Adm. Code 114.430

April 27, 1990 (14 Ill. Reg. 5945)

5) Date JCAR Statement of Objection Published in the Register:

August 10, 1990 (14 Ill. Reg. 12994, 13005, 13008)

6) Summary of Action Taken by the Agency:

89 Ill. Adm. 114.9

Response To Objection 1 and 2:

The Joint Committee on Administrative Rules ("Joint Committee") has objected to the proposed amendment to the Department of Public Aid's amendments to 89 Ill. Adm. Code 114.9 "Client Cooperation" on the basis that the Department has implemented agency policy prior to completion of the general rulemaking procedures, in violation of Section 5(a) and 5.01(c) of the Illinois Administrative Procedure Act.

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

This rulemaking places into rule the specific timeframes for the return of information necessary to determine an individual's eligibility for assistance under the Aid to the Aged, Blind or Disabled Program. The Department acknowledges that some policy contained in this rulemaking has already been implemented. One of the purposes of this rulemaking was to remedy this oversight by placing the policy into rule.

Pursuant to Section 5.01 of the Illinois Administrative Procedure Act, the Department published the Notice of Proposed Amendment relating to this rulemaking describing the proposed changes. Interested parties were afforded the opportunity to comment on the proposed changes. Accordingly, the publication and notice requirements of the Illinois Administrative Procedure Act were satisfied. While, it is true that the Department implemented the policy contained in these rules prior to completion of the rulemaking process, there is no reasonable or practical action after the fact the Department can take.

Furthermore, it should be noted that the implementation of this amendment prior to its adoption did not have any adverse impact upon the public.

Therefore, the Department does not believe there has been any violation of the spirit and intent of Sections 5(a) and 5.01(c) of the Illinois Administrative Procedure Act and believe the objection is unwarranted.

Response To Objection 3:

The Joint Committee has also objected to this rulemaking because it believes the Department failed to consider a comment received regarding this rulemaking.

The Department disagrees and stands by its position that the one comment received did not directly relate to this rulemaking. Therefore, there was nothing to evaluate.

89 Ill. Adm. Code 114.235 and 114.241

Response To Objection:

The Joint Committee has objected to the proposed amendment to the Department of Public Aid's amendments to 89 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

Adm. Code 114.235 and 114.241 on the basis that the Department has implemented agency policy prior to completion of the general rulemaking procedures, in violation of Section 5(a) and 5.01(c) of the Illinois Administrative Procedure Act.

This rulemaking: (1) increases the standard work expense from \$75.00 to \$90.00; and (2) increases the limit on dependent child care from \$160.00 to \$175.00 for children age two and above and to \$200.00 for children under age two. The Department acknowledges that some policy contained in this rulemaking has already been implemented. One of the purposes of this rulemaking was to remedy this oversight by placing the policy into rule.

Pursuant to Section 5.01 of the Illinois Administrative Procedure Act, the Department published the Notice of Proposed Amendment relating to this rulemaking describing the proposed changes. Interested parties were afforded the opportunity to comment on the proposed changes. Accordingly, the publication and notice requirements of the Illinois Administrative Procedure Act were satisfied. While, it is true that the Department implemented the policy contained in these rules prior to completion of the rulemaking process, there is no reasonable or practical action after the fact the Department can take.

Furthermore, it should be noted that the implementation of this amendment prior to its adoption did not have any adverse impact upon the public.

Therefore, the Department does not believe there has been any violation of the spirit and intent of Sections 5(a) and 5.01(c) of the Illinois Administrative Procedure Act and believe the objection is unwarranted.

89 Ill. Adm. Code 114.430

Response To Objection:

The Joint Committee has objected to the proposed amendment to the Department of Public Aid's amendments to 89 Ill. Adm. Code 114.430 on the basis that the Department has implemented agency policy prior to completion of the general rulemaking procedures, in violation of Section 5(a) and 5.01(c) of the Illinois Administrative Procedure Act.

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

This rulemaking authorizes a twelve month extension of medical assistance to General Assistance cases consisting of at least one adult and one child when General Assistance is terminated due to increased income from employment.

Pursuant to Section 5.01 of the Illinois Administrative Procedure Act, the Department published the Notice of Proposed Amendment relating to this rulemaking describing the proposed changes. Interested parties were afforded the opportunity to comment on the proposed changes. Accordingly, the publication and notice requirements of the Illinois Administrative Procedure Act were satisfied. While, it is true that the Department implemented the policy contained in these rules prior to completion of the rulemaking process, there is no reasonable or practical action after the fact the Department can take.

Furthermore, it should be noted that the implementation of this amendment prior to its adoption did not have any adverse impact upon the public.

Therefore, the Department does not believe there has been any violation of the spirit and intent of Sections 5(a) and 5.01(c) of the Illinois Administrative Procedure Act and believe the objection is unwarranted.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 13, 1990, through August 17, 1990, and have been scheduled for review by the Committee at its September 13, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its September meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
9/28/90	Department of Conservation, Sport Fishing Regulations for the Waters of Illinois (17 Ill. Adm. Code 810)	6/22/90 14 Ill. Reg. 9634	September 13, 1990
10/1/90	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	3/30/90 14 Ill. Reg. 4860	September 13, 1990
10/1/90	Department of Public Aid, Hospital Services (89 Ill. Adm. Code 148)	6/15/90 14 Ill. Reg. 9331	September 13, 1990

PROCLAMATION

90-381

KOREAN INDEPENDENCE DAY

Whereas, August 15, 1990, marks the 45th anniversary of Korean Independence Day; and
Whereas, Illinois' Korean American community continues to grow in strength and numbers; and
Whereas, Korean Americans have contributed many talents and resources toward the enrichment of our cultural heritage; and
Whereas, the Korean American community has helped to build the diversity and prosperity of our state through its commitment to hard work and social responsibility as productive and law-abiding citizens; and
Whereas, Korean Americans have put forth sincere effort to foster a community that is an integral part of the unique mosaic of American society;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim August 15, 1990, as KOREAN INDEPENDENCE DAY in Illinois and urge citizens to participate in the observance.

Issued by the Governor August 10, 1990.
Filed with the Secretary of State August 20, 1990.

90-382

WOMEN'S EQUALITY DAY

Whereas, Women's Equality Day was established to celebrate the anniversary of women's suffrage; and
Whereas, the observance of Women's Equality Day provides the opportunity for the citizens of Illinois to recognize women's contributions to every aspect of our society; and

Whereas, the State of Illinois is committed to public policy encouraging women to actively participate at every level and area of society; and

Whereas, women have lent their talents and skills to enrich the areas of politics, business, government, education, and labor, both inside and outside the home; and
Whereas, women continue their efforts to overcome social and economic barriers as they strive to realize their fullest potential;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim August 26, 1990, as WOMEN'S EQUALITY DAY in Illinois and urge all citizens to participate in community programs held in honor of the observance.

Issued by the Governor August 10, 1990.
Filed with the Secretary of State August 20, 1990.

90-383

YELLOWSTONE CONCERT DAY

Whereas, the people of the State of Illinois place great value on the vast and beautiful natural resources of America; and
Whereas, Yellowstone, our first national park, represents the incredible splendor of our forest lands, yet is unique because of the wonders of its volcanic activity, which have created hundreds of hot springs and geysers within the park, including the world's most famous geyser, Old Faithful; and

Whereas, Fresh Aire composer Chip Davis will conduct the Yellowstone Symphony Orchestra in the concert "The Music of Nature, A Concert for Yellowstone" to raise funds for public education and the rehabilitation of Yellowstone, which was ravaged by fire during the summer of 1988; and

Whereas, the concert series will include a concert on August 18 in Illinois and will include appearances by nationally and internationally acclaimed artists, including the musicians of Mannheim Steamroller;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim August 18, 1990, as YELLOWSTONE CONCERT DAY in Illinois and urge citizens to join me in this observance.

Issued by the Governor August 10, 1990.
Filed with the Secretary of State August 20, 1990.

90-384

AMERICAN ENERGY AWARENESS MONTH

"Energy: Plan It...For The Planet" - 1990 theme

Whereas, the wise use of energy and energy producing resources is the foundation of future economic prosperity for our society; and

Whereas, the proper use of coal, water, natural gas, petroleum products, and alternative energy sources comprises a highly complex set of issues that are of paramount importance to every citizen; and

Whereas, consensus regarding proper use is not easily reached. However, all involved agree that practicing energy conservation and promoting alternative energy sources, including the use of ethanol-blended fuels, is most desirable and beneficial; and

Whereas, institutions, government, businesses, and individual citizens alike must cooperate to achieve meaningful savings in both energy use and dollars to ease the burden of rising costs of energy; and

Whereas, such cooperative efforts are beginning to have an impact on our energy-use habits to demonstrate reduced energy consumption;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1990 as AMERICAN ENERGY AWARENESS

MONTH in Illinois in conjunction with the national observance and urge all citizens to be aware of the necessity of conserving energy for our mutual benefit.
Issued by the Governor August 13, 1990.
Filed with the Secretary of State August 20, 1990.

90-385
AMERICAN INDIAN DAY

Whereas, since 1919 the fourth Friday in September has been set aside in Illinois for programs commemorating American Indians and their significant role in the history and development of the state; and
Whereas, American Indians continue in contemporary times to make important contributions to life in the state. Illinois is the home of more than 100 different tribes, and Chicago has the fourth largest urban concentration of Indians in the country; and
Whereas, each year the Outstanding Indian of the Year is named and presented with an Achievement Award at the banquet sponsored by the Indian Council Fire;
Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 28, 1990, as AMERICAN INDIAN DAY in Illinois.
Issued by the Governor August 13, 1990.
Filed with the Secretary of State August 20, 1990.

90-386
CHEMISTRY DAY

Whereas, the science of chemistry gives us the power to understand and to use the elemental building blocks of all material things; and
Whereas, the science of chemistry provides the fundamental understanding required to deal with many of society's needs, including several that determine our quality of life and our economic strength; and
Whereas, chemists and chemical engineers use their powerful science in helping feed the world's population, tapping new energy sources, clothing and housing humanity, providing renewable substitutes for dwindling or scarce materials, improving health and conquering disease, strengthening our national security, and monitoring and protecting our environment; and
Whereas, members of the Chicago Section of the American Chemical Society, along with their nearly 200 sister sections in all 50 states, the District of Columbia, and Puerto Rico, have set aside October 13, 1990, for a national celebration directing our attention to the myriad contributions of their science;
Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 13, 1990, as CHEMISTRY DAY in Illinois

and encourage the chemists and chemical engineers of our state to rededicate themselves on this occasion to the service of all humanity.
Issued by the Governor August 13, 1990.
Filed with the Secretary of State August 20, 1990.

90-387
MINORITY ENTERPRISE DEVELOPMENT WEEK

Whereas, the theme for Minority Enterprise Development Week is recognized by the State of Illinois as "Quality Business Partners: America's Minority Entrepreneurs"; and
Whereas, our state's growth and prosperity depends on the full participation of all Illinois citizens. The greatest strength of our economic system is the opportunity it affords each person to succeed according to his or her own talents and efforts; and
Whereas, members of minority groups have emerged as a dynamic force in the marketplace and have significantly added to the increase of small businesses in our state; and
Whereas, more than 35,000 Illinois minority businesses continue to grow as they bring innovation, products, and services to our economy; and
Whereas, as we continue an era of expanded opportunities and development, it is appropriate that we encourage minority business owners by recognizing their successful entrepreneurship and tremendous contributions toward the continued economic development of Illinois;
Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 30-October 6, 1990, as MINORITY ENTERPRISE DEVELOPMENT WEEK in Illinois and urge citizens to join the minority business community in observing the event with appropriate activities and ceremonies.
Issued by the Governor August 13, 1990.
Filed with the Secretary of State August 20, 1990.

90-388
NOTICE TO PALWAUKEE MUNICIPAL AIRPORT EMPLOYEES/
SOCIAL SECURITY REFERENDUM

Whereas, the Palwaukee Municipal Airport desires to provide the Federal Old Age, Survivors, Disability, and Health Insurance (Social Security) coverage for its employees, in addition to the Prototype Money Protection Plan and Trust Adoption Agreement retirement plan effective September 1, 1989; and
Whereas, the referendum must be conducted in accordance with the Federal Social Security Act and Illinois Pension Code, Article 21, as amended, which requires that each eligible employee who is a participant in the airport's retirement plan be given the opportunity to register his personal desire by written

⁹⁰ballot as to whether he desires Social Security Coverage; and Whereas, the referendum procedure requires that each eligible employee shall be given a detailed description of the two choices available to him and allowed 90 days notice prior to the exercise of his right to vote; and

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim a period of at least 90 days notice between the dates of August 15, 1990, and November 12, 1990, to eligible employees of the airport that their choice shall be expressed by written ballot in conformity with the referendum procedure under the Federal Social Security Act and the Illinois Pension Code. The ballots shall be returned to the Chairman of the Board of Commissioners of the Palwaukee Municipal Airport and the referendum concluded no later than November 12, 1990.

I hereby designate the Executive Secretary of the State Employee's Retirement System and the Chairman of the Board of Commissioners of the Palwaukee Municipal Airport as the officials who are jointly responsible for the distribution of details of the proclamation pursuant to the provisions of the Federal Social Security Act and the Illinois Pension Code, Article 21, as amended. I hereby confer upon such officials the authority to jointly certify the results of the referendum to be conducted as herein proclaimed in accordance with said statutes, allocate their other duties under this proclamation among themselves, and delegate such other duties to others as they shall deem appropriate.

Issued by the Governor August 13, 1990.

Filed with the Secretary of State August 20, 1990.

90-389

OPERATING ROOM NURSE DAY

Whereas, surgery today is highly technical, sophisticated, and exacting; and

Whereas, operating room nurses act as the patient's advocate during surgery; and

Whereas, operating room nurses are responsible and accountable in assuring the highest quality nursing care for the patient undergoing surgery; and

Whereas, operating room nurses are highly skilled experts in maintaining a sterile environment in the operating room and promoting patient safety during the operation; and

Whereas, operating room nurses are constantly challenged to keep pace with the latest developments in technology and health care while providing the best in professional nursing practice; and

Whereas, operating room nurses are also experts in allaying a patient's fears, preparing a patient for what will happen during and after surgery, as well as understanding the patient as a total person;

Therefore, I, James R. Thompson, Governor of the State of

Illinois, proclaim November 14, 1990, as OPERATING ROOM NURSE DAY in Illinois and give special recognition to the nurses who work in the operating room at United Samaritans Medical Center in Danville, Illinois.

Issued by the Governor August 13, 1990.

Filed with the Secretary of State August 20, 1990.

90-390

M. C. HAMMER DAY

Whereas, M. C. Hammer's single, "U Can't Touch This" and album "Please Hammer Don't Hurt 'Em" have sold close to six million copies, making them the largest-selling single and album in rap music history; and

Whereas, M. C. Hammer is a socially conscious rap musician who is sensitive to the escalation of illegal drug sales and abuse in America's urban centers; and

Whereas, M. C. Hammer recently produced and released a powerful anti-drug public service announcement that will air on cable stations around the country; and

Whereas, M. C. Hammer has promised all proceeds from his song "Help the Children" will go to a foundation established by Hammer to provide educational and motivational assistance to needy children; and

Whereas, M. C. Hammer is active in the community and serves as a positive role model for today's youth by promoting the value of education and the importance of discipline and self-esteem;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim August 17, 1990, as M. C. HAMMER DAY in Illinois.

Issued by the Governor August 15, 1990.

Filed with the Secretary of State August 20, 1990.

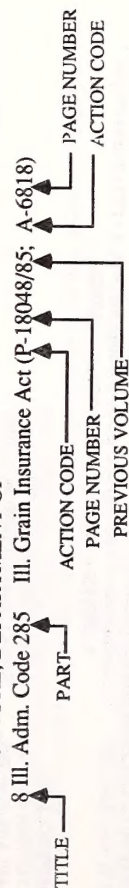
ACTION CODES

JCAR - Joint Committee on Administrative Rules

- A - Adopted Rule
 AR - Adopted Repealer
 C - Notice of Corrections
 CC - Codification Changes
 E - Emergency Rule
 ER - Emergency Repealer
 M - Modification to meet JCAR objections
 O - JCAR Statement of Objections
- P - Proposed Rule
 PF - Prohibited Filing Ordered by JCAR
 PP - Peremptory or Court ordered Rules
 PR - Proposed Repealer
 R - Refusal to meet JCAR objection
 RC - Statement of Recommendation
 S - Suspension ordered by JCAR
 W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-1077; A-10732; RC-12942) (P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)
 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14499/89; A-2308)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-15911/89; A-1907) (P-16861/89; A-3416) (P-8759)
 8 Ill. Adm. Code 75 Bovine Brucellosis (P-15915/89; A-1911)
 8 Ill. Adm. Code 85 Diseased Animals (P-15926/89; A-1919) (P-8768)
 8 Ill. Adm. Code 80 III. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)
 8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-15942/89; A-1935) (P-19329/89; A-5065) (P-3773)
 8 Ill. Adm. Code 270 III. State Fair & DuQuoin State Fair, Non-Fair Space Rental & the General Operation of the State Fairgrounds (P-10965)
 8 Ill. Adm. Code 40 Livestock Auction Markets (P-15950/89; A-1943)
 8 Ill. Adm. Code 45 Marketing Center (Livestock) (P-15956/89; A-1949)
 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (P-16625/89; A-3424) (PP-11401) (PP-13355)
 8 Ill. Adm. Code 850 Motor Fuel Standards Act (P-19837/89; A-5072)
 2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-58-) (A-4093) (A-9009)
 8 Ill. Adm. Code 5 Standardization of Agriculture Products (P-3711; A-10308)
 8 Ill. Adm. Code 100 Swine Brucellosis (P-15960/89; A-1953)
 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-15968/89; A-1961) (P-8777)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

- 77 Ill. Adm. Code 2058 Licensure of Alcoholism & Substance Abuse Treatment Intervention & Research Programs (P-6457)

ATTORNEY GENERAL

- 86 Ill. Adm. Code 2000 III. Estate & Generation - Skipping Transfer Tax Act (P-4281)

AUDITOR GENERAL

- 74 Ill. Adm. Code 420 Code of Regulations (P-1541)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

- 38 Ill. Adm. Code 395 Corporate Fiduciary Branch Offices (P-2981)
 38 Ill. Adm. Code 396 Corporate Fiduciary Subsidiaries (P-2985)
 38 Ill. Adm. Code 356 Reimbursement to Banks & Corporate Fiduciaries for Financial Records (P-3333; A-11183)
 38 Ill. Adm. Code 356 Reimbursement to Banks for Financial Records (P-3303)

CARNIVAL-AMUSEMENT SAFETY BOARD

- 56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-2989) (E-3235; O-5905)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 80 Ill. Adm. Code 303 Conditions of Employment (P-17169/89; A-3433)
 80 Ill. Adm. Code 2160 Local Government Health Plan (P-4288)
 80 Ill. Adm. Code 5010 Marking, Inventory, Transfer & Disposal of State-Owned Personal Property (P-8271) (E-8714; O-13033)
 80 Ill. Adm. Code 310 Pay Plan (P-427; A-10002) (P-15141/89; A-615) (PP-1627) (P-17521/89; A-4455) (P-5269) (PP-7652) (P-7675) (P-10189) (P-10974; W-12321) (E-11330)
 44 Ill. Adm. Code 5030 Personal Use of State Telephones (P-10983) (E-11351)
 80 Ill. Adm. Code 2120 State of Ill. Medical Care Assistance Plan (P-10603)
 80 Ill. Adm. Code 3000 Travel Regulation Council, The (P-1548; A-10014)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Dept. (P-4301)
 89 Ill. Adm. Code 410 Licensing Standards for Youth Emergency Shelters (P-439; O-8206; R-9622; A-9407) (E-999)
 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-20159/89; C-2684) (E-11356) (P-11423)
 89 Ill. Adm. Code 337 Service Appeal Process (P-9273)
 89 Ill. Adm. Code 302 Services Delivered by the Dept. (P-1) (P-2205) (P-14508/89; A-3438)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 14 Ill. Adm. Code 525 Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)
 56 Ill. Adm. Code 2625 Economic Dislocation & Worker Adjustment Assistance (P-13045)
 14 Ill. Adm. Code 520 Enterprise Zone Program (P-15975/89; A-3445) (P-13060)
 14 Ill. Adm. Code 590 III. Large Business Development Program (P-7291)
 14 Ill. Adm. Code 510 III. Promotion Act (P-13072) (E-13298)
 14 Ill. Adm. Code 610 III. Public Infrastructure Loan & Grant Program (P-7300)
 56 Ill. Adm. Code 2650 Industrial Training Program (P-15977/89; A-5075)
 14 Ill. Adm. Code 550 Local Tourism & Convention Bureau Program (P-17567/89; A-5091) (P-5294; E-5565; O-10159; R-12686) (P-8782)
 47 Ill. Adm. Code 100 Residential Energy Assistance Partnership Program (P-17589/89; A-13440)
 14 Ill. Adm. Code 640 Rural Diversification Program (P-13391)
 47 Ill. Adm. Code 110 State Administration for the Federal Community Development Block Grant Program for Small Cities (P-10985)
 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-5296; A-13970)
 14 Ill. Adm. Code 545 Technology Advancement & Development Act Program (P-19336/89; A-9016)
 14 Ill. Adm. Code 540 Technology Commercialization Grant-In-Aid Program (P-11022)
 56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-3017/89; A-1976) (P-13074)

ILLINOIS REGISTER

1990 CUMULATIVE INDEX

AUGUST 31, 1990

VOL. 14, ISSUE #35

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF (CONT'D)

56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-5310; A-13984) (P-7312)

COMMERCE COMMISSION, ILLINOIS

92 Ill. Adm. Code 1207 Agents for Service of Process (P-15150/89; A-3033)
 92 Ill. Adm. Code 1307 Carrier Identification (P-15154/89; A-13138)
 83 Ill. Adm. Code 760 Cellular Radio Exclusion (P-13358/89; A-3037) (P-9631)
 83 Ill. Adm. Code 281 Energy Assistance (PR-4312; AR-11188)
 92 Ill. Adm. Code 1415 Freight Bills & Bills of Lading or Other Forms (P-19339/89; A-8583)
 83 Ill. Adm. Code 900 Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)
 92 Ill. Adm. Code 1300 Minimum Rate (PR-14147/89; AR-3040)
 83 Ill. Adm. Code 590 Minimum Safety Standards for Transportation of Gas & for Gas Pipeline Facilities (P-19344/89; A-10018)
 83 Ill. Adm. Code 445 Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-13129/89; A-626)
 92 Ill. Adm. Code 1710 Relocation Towing (P-2721; A-10310)
 83 Ill. Adm. Code 780 Right-of-Way Precondemnation Negotiations by Telephone Companies (P-13100)
 83 Ill. Adm. Code 285 Standard Filing Requirements for Electric, Gas, Water & Sewer Utilities & Telecommunications Carriers in Filing for an Increase in Rates (P-5229/89; A-6000)
 83 Ill. Adm. Code 410 Standards of Service for Gas Utilities (P-16211/89; A-3454)
 83 Ill. Adm. Code 500 Standards of Service for Gas Utilities (P-16219/89; A-3463)
 83 Ill. Adm. Code 755 Telecommunications Access for the Deaf (P-15157/89; A-3042)
 83 Ill. Adm. Code 757 Telephone Assistance Program (P-2731)
 83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-13361/89; A-1605)
 83 Ill. Adm. Code 710 Uniform System of Accounts for Telecommunications Carriers (P-1552; A-10021)

COMMUNITY COLLEGE BOARD, ILLINOIS

23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-14; A-11771) (E-299) (P-3308; A-13997) (P-16869/89; A-4126) (P-18025/89; A-10762)

COMPTROLLER

2 Ill. Adm. Code 625 Access to Information (A-186)
 74 Ill. Adm. Code 290 Contract Content (P-18649/89; A-5757)

CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 870 Aquaculture, Transportation, Stocking, Importation &/or Possession of Aquatic Life (P-3717; A-11190)
 17 Ill. Adm. Code 130 Camping on Dept. of Conservation Properties (P-4340; A-12402)
 17 Ill. Adm. Code 530 Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit & Crow Hunting (P-3720; A-10775)
 17 Ill. Adm. Code 1075 Consultation Procedures for Assessing Impacts of Agency Actions on Endangered & Threatened Species (P-11033; C-13366)
 17 Ill. Adm. Code 750 Disposition of Deer Accidentally Killed by a Motor Vehicle or Other Non-Hunting Methods (P-4985; A-13519)
 17 Ill. Adm. Code 950 Dog Training on Department-Owned or Managed Sites (P-4990; A-13524)
 17 Ill. Adm. Code 730 Dove Hunting (P-3743; A-11193)
 17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-15509/89; A-638) (P-4996; A-13529)
 17 Ill. Adm. Code 1590 Falconry & the Captive Propagation of Raptors (P-17174/89; A-6088)
 17 Ill. Adm. Code 1537 Forest Management Plan (P-8273)
 17 Ill. Adm. Code 1530 Forest Products Transportation Act, The (P-11047)
 17 Ill. Adm. Code 1536 Forestry Development Cost Share Program (P-8289)
 17 Ill. Adm. Code 510 General Hunting & Trapping on Dept.-Owned or -Managed Sites (P-3757)
 17 Ill. Adm. Code 745 Hunting Season for Game Breeding & Hunting Preserve Areas (P-4351) (PR-5647)
 17 Ill. Adm. Code 3040 Ill. Bicycle Path Grant Program (P-442; RC-5896; A-6106)
 17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-455; A-6123)

ILLINOIS REGISTER

1990 CUMULATIVE INDEX

AUGUST 31, 1990

VOL. 14, ISSUE #35

CONSERVATION, DEPARTMENT OF (CONT'D)

17 Ill. Adm. Code 3030 Land & Water Conservation Fund Grant Program (P-478; A-6149)
 17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-3764) (P-13108)
 17 Ill. Adm. Code 1070 Possession of Specimens or Products of Endangered & Threatened Species (P-11052)
 17 Ill. Adm. Code 550 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (P-3776; A-10798)
 17 Ill. Adm. Code 210 Rental of Boats & Boating Facilities (P-16892/89; A-2013)
 17 Ill. Adm. Code 520 Scientific Permits (P-3789; A-10811)
 17 Ill. Adm. Code 810 Sport Fishing Regs. for the Waters of Ill. (P-491; A-6164) (P-2419; A-8588) (E-6865) (P-9634)
 17 Ill. Adm. Code 690 Squirel Hunting (P-3794; A-10816)
 17 Ill. Adm. Code 720 Taking of Wild Turkeys - Fall Archery Season, The (P-4355; A-12413)
 17 Ill. Adm. Code 715 Taking of Wild Turkeys - Fall Gun Season, The (P-4363; A-12421)
 17 Ill. Adm. Code 710 Taking of Wild Turkeys - Spring Season, The (P-1534/89; A-663)
 17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow & Arrow (P-4372) (P-11437)
 17 Ill. Adm. Code 650 White-Tailed Deer Hunting by Use of Firearms (P-4385; A-12430) (P-13113)
 17 Ill. Adm. Code 740 Woodcock, Snipe, Rail & Teal Hunting (P-3802; A-11207)

CORRECTIONS, DEPARTMENT OF

20 Ill. Adm. Code 701 County Jail Standards (P-9684)
 20 Ill. Adm. Code 415 Health Care (E-13316)
 20 Ill. Adm. Code 720 Municipal Jail & Lockup Standards (P-9694)
 20 Ill. Adm. Code 535 Personal Property (P-18040/89; A-6765)
 20 Ill. Adm. Code 107 Records of Committed Persons (P-12125) (E-12273)
 20 Ill. Adm. Code 525 Rights & Privileges (P-18052/89; A-5114) (P-12345)

CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS

20 Ill. Adm. Code 1360 Operating Procedures for the Administration of Non-Federal Grant Funds (P-8300)

EDUCATION, BOARD OF HIGHER

23 Ill. Adm. Code 1037 Capital Improvement Grants to Nonpublic Institutions of Higher Learning for Laboratory Research & Instructional Area Renovation (P-16227/89; A-4508)
 23 Ill. Adm. Code 1036 Capital Improvement Grants to Nonpublic Institutions of Higher Learning for Science & Technology (P-16234/89; A-5118)
 23 Ill. Adm. Code 1025 Engineering Grant Program (P-14516/89; A-2015)
 23 Ill. Adm. Code 1020 Health Services Education Grants Act (P-14521/89; A-2020)
 23 Ill. Adm. Code 1010 Higher Education Cooperation Act (E-20390/89; O-3275; R-4271) (P-20203/89; A-7497)
 23 Ill. Adm. Code 1000 Ill. Financial Assistance Act for Nonpublic Institutions of Higher Learning (P-14531/89; A-2030)

EDUCATION, STATE BOARD OF

23 Ill. Adm. Code 25 Certification (P-8756/89; A-1243) (P-3331)
 23 Ill. Adm. Code 250 Comprehensive Arts Program (P-11447)
 23 Ill. Adm. Code 253 Comprehensive Health Education (P-1645; A-12452)
 23 Ill. Adm. Code 202 Disadvantaged Students Funds Plan -- Districts Over 50,000 ADA (P-13369/89; A-3472) (PR-13367/89; AR-3487)
 23 Ill. Adm. Code 500 Educational Service Centers (P-8307)
 23 Ill. Adm. Code 50 Evaluation of Certified School District Employees in Contractual Continued Service (P-18979/89; A-7503)
 23 Ill. Adm. Code 210 Learning Assessment & School Improvement Plans (P-8766/89; O-18943/89; R-1534; A-1254)
 23 Ill. Adm. Code 451 Private Business & Vocational Schools (P-9133/89; O-4741; RC-4747; M-7662; A-7518) (PR-9082/89; A-7593)
 23 Ill. Adm. Code 110 Program Accounting Manual (P-8319)
 23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-1650; A-12457) (P-4931)
 23 Ill. Adm. Code 275 Pupil Transportation (P-5921) (E-6411)

EDUCATION, STATE BOARD OF (CONT'D)

- 23 Ill. Adm. Code 260 Reading Improvement Program (P-8424)
 23 Ill. Adm. Code 226 Special Education (P-11068) (E-11364)
 23 Ill. Adm. Code 205 Translators' Alternative & Optional Education Programs (P-18991/89; O-5899; R-10593; A-10320)

EDUCATIONAL OPPORTUNITY, ILLINOIS CONSORTIUM FOR

- 23 Ill. Adm. Code 2400 III. Consortium for Educational Opportunity Program (P-1703; A-12262) (P-12357)

ELECTIONS, STATE BOARD OF

- 26 Ill. Adm. Code 100 Campaign Financing Act, The (P-14539/89; A-10824)
 26 Ill. Adm. Code 125 Practice & Procedure (P-14556/89; A-10832)
 26 Ill. Adm. Code 210 Raffles Conducted by Political Committees (P-3814) (E-6907; O-10162)

EMPLOYMENT SECURITY, DEPARTMENT OF

- 56 Ill. Adm. Code 2725 Administrative Hearings & Appeals (P-19841/89; A-5126)
 56 Ill. Adm. Code 2865 Claimant's Active Search for Work (P-10215)
 56 Ill. Adm. Code 2720 Claims, Adjudication, Appeals & Hearings (P-10237)
 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-15543/89; A-2038) (P-12364)
 56 Ill. Adm. Code 2920 Disqualifying Income & Reduced Benefits (P-13905)
 56 Ill. Adm. Code 2732 Employment (P-12748/89; O-20398/89; R-1049; A-673)
 56 Ill. Adm. Code 2830 Payment of Benefits (P-2423) (P-2423; A-9101)
 56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-1101; A-6218) (P-13118) (P-13910)

ENERGY AND NATURAL RESOURCES, DEPARTMENT OF

- 83 Ill. Adm. Code 1000 Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12756/89; AR-681)

ENVIRONMENTAL PROTECTION AGENCY

- 35 Ill. Adm. Code 691 Annual Testing Fees for Analytical Services (P-15164/89; A-2045)
 35 Ill. Adm. Code 174 Delegation of Construction & Operating Permit Authority for Sanitary & Combined Sewers & Water Main Extensions (P-16242/89; A-4891)
 35 Ill. Adm. Code 661 General Conditions of Grants for the Financing & Construction of Public Water Supply Facilities (P-1738/89; A-2055)
 35 Ill. Adm. Code 871 General Conditions of State of Ill. Grants for Nonhazardous Solid Waste Planning & Enforcement (P-8429)
 35 Ill. Adm. Code 183 Joint Rules of the Environmental Protection Agency & the Dept. of Public Health: Certification & Operation of Environmental Laboratories (P-7561/89; A-8392)
 35 Ill. Adm. Code 690 Permit Fees for Installing or Extending Water Main (P-15174/89; A-2070)
 35 Ill. Adm. Code 366 Procedures & Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works Needs (P-19850/89; A-8121)
 35 Ill. Adm. Code 870 Procedures for Issuing Solid Waste Planning & Enforcement Grants (P-8809)
 35 Ill. Adm. Code 858 Procedures for Operation of the Non-Hazardous Solid Waste Fee System (P-8444)
 35 Ill. Adm. Code 860 State Remedial Action Priorities List (P-16252/89; A-5776)
 35 Ill. Adm. Code 181 Toxic Pollution Prevention Innovation Plans (P-6520)
 35 Ill. Adm. Code 861 Used & Waste Tires Removal Priority List (P-8822)

FINANCIAL INSTITUTIONS, DEPARTMENT OF

- 38 Ill. Adm. Code 195 III. Development Credit Corporation Act (P-1558; A-9110)
 50 Ill. Adm. Code 8100 Title Insurance Act (P-16; C-1051; O-8209; RC-8219; M-8205; A-8600; F-13(31) (E-305)

FIRE MARSHAL, OFFICE OF THE STATE

- 41 Ill. Adm. Code 250 Fire Equipment Distributor & Employee Standards (P-5322)
 41 Ill. Adm. Code 251 Fire Equipment Distributor & Employee Licenses (CC-8739)
 41 Ill. Adm. Code 251 Fire Equipment Distributor & Employee Standards (E-8194)
 41 Ill. Adm. Code 100 Fire Prevention & Safety (RC-3277)

FIRE MARSHAL, OFFICE OF THE STATE (CONT'D)

- 41 Ill. Adm. Code 140 Policy & Procedures Manual for Fire Protection Personnel (P-4781)
 41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-63; A-5781) (P-12373)

GUARDIANSHIP AND ADVOCACY COMMISSION

- 59 Ill. Adm. Code 301 Fee Schedule for the Office of the State Guardian (P-1708)

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

- 77 Ill. Adm. Code 2510 Data Collection (P-8198/89; A-2078)

HEARING AID CONSUMER PROTECTION BOARD

- 77 Ill. Adm. Code 3000 Hearing Aid Consumer Protection Continuing Education Requirements (P-19005/89; A-10337)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

- 47 Ill. Adm. Code 360 Affordable Housing Program (P-1726; A-9117) (E-2094)
 47 Ill. Adm. Code 350 Low-Income Housing Tax Credit Allocation (PR-5651; AR-14019) (P-5653; A-14021) (ER-5817) (E-5827)
 47 Ill. Adm. Code 310 Multifamily Rental Housing Mortgage Loan Program (P-13371/89; A-683)

ILLINOIS, BOARD OF TRUSTEES OF THE UNIVERSITY OF

- 89 Ill. Adm. Code 1200 Program Content & Guidelines for Division of Services for Crippled Children (P-19885/89; A-5136)

INDUSTRIAL COMMISSION, ILLINOIS

- 50 Ill. Adm. Code 7030 Arbitration (E-4913) (P-5655; A-13141)
 50 Ill. Adm. Code 7100 Insurance Regs. (E-4920) (P-5662; A-13149)
 50 Ill. Adm. Code 7110 Miscellaneous (E-4929) (P-5671; A-13161)
 50 Ill. Adm. Code 7040 Review (E-4940) (P-5682; A-13173)

INSURANCE, DEPARTMENT OF

- 50 Ill. Adm. Code 938 Accident & Health Risk Ratio Notice (P-17592/89; A-3489)
 50 Ill. Adm. Code 2010 Advertisements of Medicare Supplement Insurance (P-8828)
 50 Ill. Adm. Code 909 Advertising & Sales Promotion of Life Insurance & Annuities (P-2744; A-13534)
 50 Ill. Adm. Code 1405 Construction & Filing of Life Insurance & Annuity Forms (P-17604/89; W-4971)
 50 Ill. Adm. Code 907 Exempt Sale of Insurance Company Shares (P-8451)
 50 Ill. Adm. Code 2013 Group Coverage Discontinuance & Replacement (P-1729)
 50 Ill. Adm. Code 3118 Licensing of Public Adjusters (P-8454)
 50 Ill. Adm. Code 930 Life Insurance Solicitation (P-2754; A-13594)
 50 Ill. Adm. Code 2012 Long-Term Care Insurance (P-9181/89; A-10345)
 50 Ill. Adm. Code 2008 Minimum Standards for Individual & Group Medicare Supplement Insurance (P-17615/89; W-2410) (P-10247)
 50 Ill. Adm. Code 2005 Pre-Existing Illness (P-11071)
 50 Ill. Adm. Code 3119 Prelicensing & Continuing Education (P-12127)
 50 Ill. Adm. Code 3113 Premium Fund Trust Account (P-12935/89; A-2088)
 50 Ill. Adm. Code 754 Rules & Rate Filings (P-19013/89; A-5793)
 50 Ill. Adm. Code 2011 Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits & Premiums to Conform to Medicare Program Revisions (P-11075)

LABOR, DEPARTMENT OF

- 56 Ill. Adm. Code 350 Health & Safety (P-3345) (P-5839/89; O-4750; W-4740)
 68 Ill. Adm. Code 690 Nurse Agency Licensing Act (P-1107; RC-10123; A-12516)
 56 Ill. Adm. Code 100 Prevailing Wage Hearing Procedures (P-536; O-10126; M-13866; A-13608) (E-1026)

LABOR RELATIONS BOARD, ILLINOIS EDUCATIONAL

- 80 Ill. Adm. Code 1125 Fair Share Fee Objections (P-15182/89; A-2873)

LABOR RELATIONS BOARD, ILLINOIS EDUCATIONAL (CONT'D)

- 2 III. Adm. Code 2676
Freedom of Information (A-4151)
80 III. Adm. Code 1105
General Procedures (P-1327/89; A-1270)
80 III. Adm. Code 1105
Hearing Procedures (P-1335/89; A-1278)
2 III. Adm. Code 2675
Public Information, Rulemaking, Organization & Personnel (A-4158)
80 III. Adm. Code 1110
Representation Procedures (P-1357/89; A-1297)
80 III. Adm. Code 1120
Unfair Labor Practice Proceedings (P-1381/89; A-1322)

LABOR RELATIONS BOARD, ILLINOIS STATE/LABOR RELATIONS BOARD, ILLINOIS LOCAL

- 80 III. Adm. Code 1200
General Procedures (P-7693)
80 III. Adm. Code 1230
Impasse Resolution (P-7700)
80 III. Adm. Code 1210
Representation Proceedings (P-7726)
80 III. Adm. Code 1220
Unfair Labor Practice Proceedings (P-7756)

LEGISLATIVE INFORMATION SYSTEM

- 2 III. Adm. Code 130
Access to Legislative Information System Information (A-3049)
3 III. Adm. Code 600
Access to Legislative Information System Information (P-3349; A-12531)

LOCAL GOVERNMENTAL LAW ENFORCEMENT OFFICERS TRAINING BOARD, ILLINOIS

- 20 III. Adm. Code 1760
Coroners Basic Training (P-13997/89; A-10027)
20 III. Adm. Code 1720
Minimum Requirements of the Trainee (P-5378)

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF

- 59 III. Adm. Code 102
Dept. Facilities & Grounds (P-2432)
2 III. Adm. Code 1026
Freedom of Information (A-14032)
59 III. Adm. Code 119
Minimum Standards for Certification of Developmental Training Programs (P-3356)
59 III. Adm. Code 119
Minimum Standards for Licensure, Certification, or Approval of Programs Serving Persons with Developmental Disabilities or Mental Illness (P-13377/89; W-5696)
59 III. Adm. Code 115
Standards & Licensure Requirements for Community-Integrated Living Arrangements (P-15183/89; RC-10128; A-10865)

MINES AND MINERALS, DEPARTMENT OF

- 62 III. Adm. Code 240
An Act in Relation to Oil, Gas & Other Surface & Underground Resources (P-15226/89; A-2317) (A-3053) (P-3394)
62 III. Adm. Code 200
An Act Relating to the Manufacture, Possession, Storage, Transportation, Use, Sale, or Gift of Explosives (PR-18056/89; AR-3501)
62 III. Adm. Code 1761
Areas Designated by Act of Congress (P-12197/89; A-11777)
62 III. Adm. Code 1800
Bonding & Insurance Requirements for Surface Coal Mining & Reclamation Operations (P-12205/89; A-11785)
62 III. Adm. Code 1700
General (P-12217/89; A-11795)
62 III. Adm. Code 1701
General Definitions (P-12222/89; A-11800)
62 III. Adm. Code 200
III. Explosives Act, The (P-18061/89; A-3503)
62 III. Adm. Code 240
III. Oil & Gas Act, The (P-10288; C-11410) (P-3394; A-13620)
62 III. Adm. Code 1846
Individual Civil Penalties (P-12248/89; A-11825)
62 III. Adm. Code 1816
Permanent Program Performance Standards--Surface Mining Activities (P-12233/89; A-11830)
62 III. Adm. Code 1817
Permanent Program Performance Standards--Underground Mining Operations (P-12280/89; A-11855)
62 III. Adm. Code 1778
Permit Applications--Minimum Requirements for Legal, Financial, Compliance, and Related Information (P-12203/89; A-11873)
62 III. Adm. Code 1772
Requirements for Coal Exploration (P-12311/89; A-11880)
62 III. Adm. Code 1773
Requirements for Permits & Processing (P-12317/89; A-11886)
62 III. Adm. Code 1774
Revision; Renewal; & Transfer, Assignment, or Sale of Permit Rights (P-1223/89; A-11900)
62 III. Adm. Code 1843
State Enforcement (P-12241/89; A-11906)
62 III. Adm. Code 300
Surface-Mined Land Conservation & Reclamation Act (P-18103/89; A-3548)

MINES AND MINERALS, DEPARTMENT OF (CONT'D)

- 62 III. Adm. Code 1780
Surface Mining Permit Application--Minimum Requirements for Reclamation & Operation Plan (P-12352/89; A-11911)
62 III. Adm. Code 1779
Surface Mining Permit Applications--Minimum Requirements for Information on Environmental Resources (P-12347/89; A-11924)
62 III. Adm. Code 1783
Underground Mining Permit Applications--Minimum Requirements for Information on Environmental Resources (P-12366/89; A-11929)
62 III. Adm. Code 1784
Underground Mining Permit Applications--Minimum Requirements for Reclamation & Operation Plan (P-12371/89; A-11935)

NUCLEAR SAFETY, DEPARTMENT OF

- 32 III. Adm. Code 310
General Provisions (P-11450)
32 III. Adm. Code 330
Licensing of Radioactive Material (P-11471)
32 III. Adm. Code 332
Licensing Requirements for Source Material Milling Facilities (P-3874/89; A-333; O-2134; R-6437)
32 III. Adm. Code 501
Plan for the Reimbursement for Local Governments Under Provisions of the TII. Nuclear Safety Preparedness Act* (P-8865)
32 III. Adm. Code 410
Radiation Inspectors & Inspections (P-17184/89; A-13638)
32 III. Adm. Code 351
Radiation Safety Requirements for Wireline Service Operations & Subsurface Tracer Studies (P-15980/89; A-13633)
32 III. Adm. Code 320
Registration of Radioactive Materials, Radiation Machine, & Radiation Installations (P-17626/89; A-13644)
32 III. Adm. Code 335
Use of Radionuclides in the Healing Arts (P-11585)
32 III. Adm. Code 370
Use of Sealed Radioactive Sources in the Healing Arts (PR-11653)
32 III. Adm. Code 360
Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, & Veterinary Medicine (P-6940)

POLLUTION CONTROL BOARD

- 35 III. Adm. Code 211
Definitions & General Provisions (P-2766) (P-8463) (P-16285/89; A-9141) (P-12697)
35 III. Adm. Code 304
Effluent Standards (P-2999) (P-9204/89; A-6777) (P-17633/89; A-9437) (P-9700) (P-11093) (P-20230/89; A-12538)
35 III. Adm. Code 241
Emission Standards for Motor Vehicles & Motor Vehicle Engines (P-6977)
35 III. Adm. Code 604
Finished Water & Raw Water (P-255/89; A-689)
35 III. Adm. Code 738
Hazardous Waste Injection Restrictions (P-18110/89; A-3059) (P-3823; A-11948)
35 III. Adm. Code 720
Hazardous Waste Management System: General (P-72; A-6225) (P-3006) (P-17638/89; A-3075) (P-9706) (P-13925)
35 III. Adm. Code 106
Hearings Pursuant to Specific Rules (P-14634/89; A-9442)
35 III. Adm. Code 721
Identification & Listing of Hazardous Waste (P-6528) (P-9729) (P-13938)
35 III. Adm. Code 812
Information to be Submitted in a Permit Application (P-3834)
35 III. Adm. Code 725
Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-6574) (P-9754)
35 III. Adm. Code 601
Introduction (P-262/89; A-1379)
35 III. Adm. Code 301
Introduction (P-14152/89; A-2879)
35 III. Adm. Code 728
Land Disposal Restrictions (P-79; A-6232) (P-6597) (P-9764)
35 III. Adm. Code 848
Management of Used & Waste Tires (P-7763)
35 III. Adm. Code 305
Monitoring & Reporting (P-14159/89; A-2888)
35 III. Adm. Code 215
Organic Material Emission Standards & Limitations (P-2772) (P-15249/89; A-3555) (E-6421) (P-12384/89; A-7596) (P-8877) (P-16445/89; A-9173) (P-12701)
35 III. Adm. Code 306
Performance Criteria (P-13173/89; A-9449)
35 III. Adm. Code 105
Permits (P-2784)
35 III. Adm. Code 309
Permits (P-14164/89; A-2892)
35 III. Adm. Code 310
Pretreatment Programs (P-20240/89; A-7608)
35 III. Adm. Code 815
Procedural Requirements for All Landfills Exempt From Permits (P-3872)
35 III. Adm. Code 813
Procedural Requirements for Permitted Landfills (P-3882)
35 III. Adm. Code 705
Procedures for Permit Issuance (P-17644/89; A-3082)
35 III. Adm. Code 702
RCRA & UIC Permit Programs (P-120; A-6273) (P-17651/89; A-3089)
35 III. Adm. Code 703
RCRA Permit Program (P-125; A-6278) (P-6619)

ILLINOIS REGISTER

1990 CUMULATIVE INDEX

VOL. 14, ISSUE #35

AUGUST 31, 1990

POLLUTION CONTROL BOARD (CONT'D)

- 35 Ill. Adm. Code 102
Regulatory & Informational Hearings & Proceedings (P-14696/89; O-5902; M-9256; A-9210) (P-11666)
- 35 Ill. Adm. Code 102
Regulatory & Other Nonadjudicative Hearings & Proceedings (PR-14772/89; AR-9244)
- 35 Ill. Adm. Code 605
Sampling & Monitoring (P-269/89; A-695)
- 35 Ill. Adm. Code 307
Sewer Discharge Criteria (P-7530/89; A-3100) (P-20257/89; A-7620)
- 35 Ill. Adm. Code 807
Solid Waste (P-3902)
- 35 Ill. Adm. Code 810
Solid Waste Disposal: General Provisions (P-3909)
- 35 Ill. Adm. Code 808
Special Waste Classifications (P-13468/89; A-14043)
- 35 Ill. Adm. Code 809
Special Waste Hauling (P-13699/89; A-14076)
- 35 Ill. Adm. Code 722
Standards Applicable to Generators of Hazardous Waste (P-9768)
- 35 Ill. Adm. Code 814
Standards for Existing Landfills & Units (P-3858)
- 35 Ill. Adm. Code 811
Standards for New Solid Waste Landfills (P-3923)
- 35 Ill. Adm. Code 724
Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-6638) (P-9773)
- 35 Ill. Adm. Code 726
Standards for the Management of Specific Hazardous Waste & Specific Types of Hazardous Waste Management Facilities (P-6660)
- 35 Ill. Adm. Code 214
Sulfur Limitations (P-11098)
- 35 Ill. Adm. Code 232
Toxic Air Contaminants (P-8905)
- 35 Ill. Adm. Code 704
UIC Permit Program (P-18125/89; A-3116)
- 35 Ill. Adm. Code 730
Underground Injection Control Operating Requirements (P-3014; A-11959) (P-18139/89; A-3130)
- 35 Ill. Adm. Code 731
Underground Storage Tanks (P-153; A-5797) (P-2791; A-9454) (P-4406; A-11964)
- 35 Ill. Adm. Code 302
Water Quality Standards (P-14172/89; O-2120; R-2960; A-2899) (P-20273/89; A-11974)
- 35 Ill. Adm. Code 303
Water Use Designations & Site Specific Water Quality Standards (P-17661/89; A-9460) (P-9784)

PROFESSIONAL REGULATION, DEPARTMENT OF

- 68 Ill. Adm. Code 1175
Barber, Cosmetology & Esthetics Act of 1985, The; (P-17190/89; A-14090)
- 68 Ill. Adm. Code 1400
Clinical Psychologist Licensing Act (P-2913/89; O-4754; PF-4760; A-4515; WPF-12936; A-12735)
- 68 Ill. Adm. Code 1300
Ill. Nursing Act of 1987, The (P-14236/89; A-10035)
- 68 Ill. Adm. Code 1380
Ill. Professional Engineering Act (P-7346)
- 68 Ill. Adm. Code 1270
Land Surveyors Act (P-7378)
- 68 Ill. Adm. Code 1320
Optometric Practice Act of 1987 (P-2444; A-14128)
- 68 Ill. Adm. Code 1360
Podiatric Medical Practice Act of 1987 (P-14004/89; A-701)
- 68 Ill. Adm. Code 1240
Private Detective, Private Alarm & Private Security Act of 1983 (P-2456)
- 68 Ill. Adm. Code 1400
Psychologist Registration Act (P-2913/89; O-4754; PF-4760) (WPF-12936)

PUBLIC AID, DEPARTMENT OF

- 89 Ill. Adm. Code 130
Administration of Social Service Programs (P-1564; O-12946; RC-12948) (P-4049; A-13772)
- 89 Ill. Adm. Code 112
Aid to Families with Dependent Children (P-538; A-6306) (P-14741/89; A-705) (P-1123; O-12951; O-12962; R-13867; A-13652) (P-2798; O-12966; R-14214; A-14140)
- 89 Ill. Adm. Code 160
(P-1948/89; A-3170) (P-16894/89; A-3575) (P-18833/89; A-3575) (P-16894/89; A-3575) (P-4054; A-10379) (P-3695; O-12977; R-14214; A-14140) (P-5923; O-12980; R-14214; A-14140) (P-19117/89; A-6306) (P-9291) (P-9790)
- 89 Ill. Adm. Code 113
Aid to the Aged, Blind or Disabled (P-163; A-6321) (P-14263/89; A-720) (P-2811; O-12983; R-13361; A-13187) (P-19130/89; A-6321) (P-7813) (P-9307) (P-9806)
- 89 Ill. Adm. Code 110
Application Process (P-7395; A-13198)
- 89 Ill. Adm. Code 160
Child Support Enforcement (P-12148) (P-13946)
- 89 Ill. Adm. Code 116
Crisis Assistance (P-10616)
- 89 Ill. Adm. Code 170
Demonstration Programs (P-13124)
- 89 Ill. Adm. Code 144
Developmental Disabilities Service (P-11999/89; A-4166)
- 89 Ill. Adm. Code 141
Drug Manual (P-2465; A-9464) (E-2657) (P-17665/89; A-3595) (P-20288/89; A-6339) (P-12202) (E-12278) (P-12714) (E-12910)

CI - 9

ILLINOIS REGISTER

1990 CUMULATIVE INDEX

VOL. 14, ISSUE #35

AUGUST 31, 1990

PUBLIC AID, DEPARTMENT OF (CONT'D)

- 89 Ill. Adm. Code 121
Food Stamps (P-548; A-6349) (P-13503/89; A-729) (P-14756/89; A-729) (P-5935; A-13202) (P-7006; A-13202) (P-9317)
- 89 Ill. Adm. Code 114
General Assistance (P-14764/89; A-746) (P-2821; O-12994; R-14218; A-14162) (P-16691/89; A-3640) (P-4070; A-10929) (P-5385; A-13777) (P-5713; O-13005; R-14218; A-14162) (P-5945; O-13008; R-14218; A-14162) (P-19146/89; A-6360) (P-7015; A-13215) (P-9815)
- 89 Ill. Adm. Code 148
Hospital Services (P-13729/89; A-2553) (P-5409) (P-9331) (P-9827) (P-11108) (E-11392)
- 89 Ill. Adm. Code 120
Medical Assistance Programs (P-558; A-7637) (P-14778/89; A-760) (E-1494) (P-2831; O-13011; R-13363; A-13227) (P-4081; A-10396) (P-15582/89; A-4233) (P-17229/89; A-4233) (P-5724; A-13227) (E-5839) (P-5954; O-13022; R-13363; A-13227) (P-19157/89; A-6372) (P-7821) (P-9243)
- 89 Ill. Adm. Code 140
Medical Payment (P-11157/89; A-190) (P-1570; A-10409) (P-1737; A-10062) (P-13178/89; A-2564) (P-15612/89; A-2564) (P-3019) (E-3241; O-8223; R-9258) (P-4415) (P-14625/89; A-4543) (E-4577; O-8226; R-9260) (P-4860) (P-5417) (E-5575) (P-5726; A-13262) (P-5865) (P-7027) (P-17667/89; A-7141) (E-7249; O-13036) (P-7834) (P-8929) (P-10629) (P-11672) (E-12082) (P-13963) (E-14184)
- 89 Ill. Adm. Code 146
Point Count Guidelines for ICF/MR & SNF/PED Facilities (P-4419) (PR-7031; AR-13800) (A-7651)
- 89 Ill. Adm. Code 102
Rights & Responsibilities (P-7399/89; A-13279)
- 89 Ill. Adm. Code 115
Refugee/Entrant/Repatriate Program (P-14790/89; A-773) (P-2469; A-10438)
- 89 Ill. Adm. Code 147
Reimbursement for Nursing Costs for Geriatric Facilities (P-10763/89; A-210) (P-5434) (P-6664) (E-6915; O-10165) (P-9355) (E-9523; O-13039) (P-13967) (E-1-203)
- 89 Ill. Adm. Code 117
Related Practice Provisions (P-14008/89; A-780) (P-17241/89; A-9488)
- 89 Ill. Adm. Code 104
Rules of Practice in Administrative Hearings (P-12204)
- 89 Ill. Adm. Code 118
Special Eligibility Groups (P-2473; A-10442)
- 59 Ill. Adm. Code 115
Standards & Licensure Requirements for Community-Integrated Living Arrangements (P-15183/89; RC-10145)
- 89 Ill. Adm. Code 103
Support Responsibility of Relatives (P-5965; A-13288) (P-19180/89; A-6395) (P-13129)

PUBLIC COUNSEL, OFFICE OF

- 2 Ill. Adm. Code 2701
Freedom of Information Act (A-12543)
- 2 Ill. Adm. Code 2700
Organization, Rulemaking, & Public Access (A-11982)

PUBLIC HEALTH, DEPARTMENT OF

- 77 Ill. Adm. Code 205
Ambulatory Surgical Treatment Center Licensing Requirements (P-5442; A-1-802) (E-5596)
- 77 Ill. Adm. Code 855
Asbestos Abatement for Public & Private Schools in Ill. (P-172; A-12552) (E-1-35)
- 77 Ill. Adm. Code 400
Central Complaint Registry (P-10648)
- 77 Ill. Adm. Code 665
Child Health Examination Code (P-5446) (E-5617)
- 77 Ill. Adm. Code 694
College Immunization Code (P-5491/89; O-15888/89; RC-15892/89; M-20136/89; A-1609) (P-5448) (E-5882)
- 77 Ill. Adm. Code 900
Drinking Water Systems Code (P-5457)
- 77 Ill. Adm. Code 535
Emergency Medical Services Code (P-1755; RC-13025)
- 77 Ill. Adm. Code 590
Family Practice Residency Act (PR-8493)
- 77 Ill. Adm. Code 590
Family Practice Residency Code (P-8503) (E-8725; O-13042)
- 77 Ill. Adm. Code 1240
Financial & Economic Feasibility Review & Evaluation Plan (For All Long-Term Care & Chronic Disease Facilities) (P-16703/89; A-5162)
- 77 Ill. Adm. Code 1230
Financial Feasibility Review & Evaluation Plan (P-6708/89; A-5165)
- 77 Ill. Adm. Code 750
Food Service Sanitation Code (P-5050) (P-11110)
- 77 Ill. Adm. Code 550
Head & Spinal Cord Injury Code (P-10656)
- 77 Ill. Adm. Code 682
Hearing Aid Consumer Protection Code (P-19185/89; A-10447)
- 77 Ill. Adm. Code 250
Hospital Licensing Requirements (P-7875/89; A-2342) (P-2478; A-13824)
- 77 Ill. Adm. Code 450
Ill. Clinical Laboratories Code (P-14280/89; A-2360)
- 77 Ill. Adm. Code 790
Ill. Formulary for the Drug Product Selection Program, The (P-1220; A-8154) (E-15005) (P-16910/89; A-3184) (P-4437; A-11988) (E-4620) (P-9357) (E-9556) (P-13133) (E-13325)
- 77 Ill. Adm. Code 840
Ill. Health & Hazardous Substances Registry (P-15284/89; A-5495)

CI - 10

ILLINOIS REGISTER

1990 CUMULATIVE INDEX

AUGUST 31, 1990

VOL. 14, ISSUE #35

PUBLIC HEALTH, DEPARTMENT OF (CONT'D)

- 77 Ill. Adm. Code 245 Ill. Home Health Agency Code (P-10007/89; A-2382)
- 77 Ill. Adm. Code 820 Ill. Plumbing Code (P-4543/89; A-1385)
- 77 Ill. Adm. Code 890 Ill. Swimming Pool & Bathing Beach Code (P-12395/89; A-786)
- 77 Ill. Adm. Code 540 Ill. Trauma Center Code (P-10665) (P-13424) (E-13856)
- 77 Ill. Adm. Code 920 Ill. Water Well Construction Code (P-15338/89; A-228) (P-5484)
- 77 Ill. Adm. Code 695 Immunizations (P-5749) (E-5890)
- 77 Ill. Adm. Code 350 Intermediate Care for the Developmentally Disabled Facilities Code (P-2210) (P-9833)
- 35 Ill. Adm. Code 190 Joint Rules of the Environmental Protection Agency & the Dept. of Public Health:
 - Certification & Operation of Environmental Laboratories (P-7561/89; A-3655)
 - Local Health Dept. Program Standards Code (P-10137/89; A-805)
 - Long-Term Care for Under Age 22 Facilities Code (P-2237) (P-9883)
 - Maternal & Child Health Services Code (P-10060/89; A-1219)
 - Migrant Labor Camps (P-2498; A-12653)
 - Minimum Health Care Standards for Health Maintenance Organizations (P-10128/89; A-2403)
- 77 Ill. Adm. Code 600 Minimum Qualifications for Personnel Employed by Local Health Depts. Code (P-10035/89; A-840)
- 77 Ill. Adm. Code 661 Newborn Metabolic Screening & Treatment Code (P-4443; A-13292)
- 77 Ill. Adm. Code 635 Program Content & Guidelines for Title X Family Planning Services (P-7858)
- 77 Ill. Adm. Code 800 Recreation Area Code (P-17707/89; A-12663)
- 77 Ill. Adm. Code 640 Regionalized Perinatal Care (PR-12413/89; AR-12747)
- 77 Ill. Adm. Code 640 Regionalized Perinatal Health Care Code (P-12433/89; A-12749)
- 77 Ill. Adm. Code 725 Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices & Cosmetics Code (P-14306/89; A-864)
- 77 Ill. Adm. Code 330 Sheltered Care Facilities Code (P-1827) (P-9920)
- 77 Ill. Adm. Code 300 Skilled Nursing & Intermediate Care Facilities Code (P-2261) (P-9957)
- 77 Ill. Adm. Code 830 Structural Pest Control Code (P-571; A-12889) (E-1038)
- 77 Ill. Adm. Code 510 Testing of Breath, Blood & Urine for Alcohol & for Other Drugs (P-11119)
- 77 Ill. Adm. Code 672 WIC Vendor Management Code (P-11132)

PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD, DEPARTMENT OF

- 77 Ill. Adm. Code 1150 Certificate of Need for Health Maintenance Organizations (PR-5580/89; AR-5168)
- 77 Ill. Adm. Code 1130 Health Facilities Planning Procedural Rules (P-17245/89; A-7183)
- 77 Ill. Adm. Code 1190 Permit Application Fees (P-16917/89; A-5550)
- 77 Ill. Adm. Code 1220 Practice & Procedures in Reconsideration Hearings (PR-16714/89; AR-5172)
- 77 Ill. Adm. Code 1160 Processing an Application for Permit & Validity of Permits (PR-17280/89; AR-5175)

RACING BOARD, ILLINOIS

- 11 Ill. Adm. Code 1428 Admissions & Credentials (P-8948) (P-10675)
- 11 Ill. Adm. Code 510 Claiming Races (P-8079)
- 11 Ill. Adm. Code 439 Double Trifecta Wagering Pool (P-5751; A-13847)
- 11 Ill. Adm. Code 1317 Drivers, Trainers, & Agents (P-8083)
- 11 Ill. Adm. Code 1413 Entries, Subscriptions & Declarations (P-12385)
- 11 Ill. Adm. Code 502 Licensing (P-8952)
- 11 Ill. Adm. Code 509 Medication (P-10171/89; A-8186) (P-10679)
- 11 Ill. Adm. Code 419 Over/Under Rules (P-7406)
- 11 Ill. Adm. Code 405 Pari-Mutuels (P-1224; A-11310) (P-8086) (P-8542) (P-8957) (P-12389)
- 11 Ill. Adm. Code 408 Perfecia or Exacta Rules (P-8961)
- 11 Ill. Adm. Code 438 Pick N' Wagering Pool (P-8546)
- 11 Ill. Adm. Code 415 Programs (P-1597; A-11314)
- 11 Ill. Adm. Code 407 Quinella Rules (P-8964)
- 11 Ill. Adm. Code 1305 Race Track Operators & Their Duties (P-8967) (P-10687)
- 11 Ill. Adm. Code 1424 Regs. for Meetings (P-8971) (P-10691)
- 11 Ill. Adm. Code 1325 Security & Admissions (P-8090) (P-8553)
- 11 Ill. Adm. Code 1415 Starting (P-10686)
- 11 Ill. Adm. Code 421 Superfecta Rules (P-7411)

CI - 11

ILLINOIS REGISTER

1990 CUMULATIVE INDEX

AUGUST 31, 1990

VOL. 14, ISSUE #35

RACING BOARD, ILLINOIS (CONT'D)

- 11 Ill. Adm. Code 433 Totalizator Operations (P-10700) (P-12393)
- 11 Ill. Adm. Code 409 Trifecta (P-1601; A-11317) (P-1849; A-12265)
- 11 Ill. Adm. Code 409 Trifecta Rules (P-1601) (P-1849) (P-8557) (P-10705)
- 11 Ill. Adm. Code 440 Twin Trifecta Exchange (P-8975)

REHABILITATION SERVICES, DEPARTMENT OF

- 2 Ill. Adm. Code 1176 Access to Public Records (P-9364)
- 89 Ill. Adm. Code 515 Advisory Councils (P-9370)
- 89 Ill. Adm. Code 540 Auxiliary Aids (P-16927/89; A-5808)
- 89 Ill. Adm. Code 716 Case Management Services to Persons with AIDS (P-9994)
- 89 Ill. Adm. Code 885 Centers for Independent Living (P-6666)
- 89 Ill. Adm. Code 562 Client Financial Participation (P-14313/89; A-1466) (P-9379)
- 89 Ill. Adm. Code 617 Closure (P-9385)
- 89 Ill. Adm. Code 505 Confidentiality of Information (P-12718)
- 89 Ill. Adm. Code 530 Criteria for the Evaluation of Programs of Services in Rehabilitation Facilities (P-11676)
- 89 Ill. Adm. Code 843 Disability Case Development Process (P-12212)
- 89 Ill. Adm. Code 552 Eligibility (P-9392)
- 89 Ill. Adm. Code 765 Establishment & Administration of Special Education, The (P-12224)
- 89 Ill. Adm. Code 687 Financial Eligibility Criteria (P-8560)
- 89 Ill. Adm. Code 712 Homemaker Contracts (P-11702)
- 89 Ill. Adm. Code 795 Identification, Evaluation, & Placement of Exceptional Children (P-3407)
- 89 Ill. Adm. Code 730 III. Visually Handicapped Institute (P-12228)
- 89 Ill. Adm. Code 572 Individualized Written Rehabilitation Program (P-5969)
- 89 Ill. Adm. Code 899 Leksels (P-3412; O-13029)
- 89 Ill. Adm. Code 602 Maintenance (P-14797/89; A-2598) (P-5974)
- 89 Ill. Adm. Code 587 Medical, Psychological, & Related Services (P-16719/89; A-6785) (P-11736)
- 89 Ill. Adm. Code 830 Non-Academic Programs & Policies (P-12234)
- 89 Ill. Adm. Code 685 Non-Financial Eligibility Criteria (P-8982)
- 89 Ill. Adm. Code 714 Non-Homemaker Service Provider Requirements (P-12947/89; A-3652)
- 89 Ill. Adm. Code 607 Other Services (P-7087)
- 89 Ill. Adm. Code 690 Prescreening & Eligibility Determination Processes (P-9397)
- 89 Ill. Adm. Code 675 Program Description (P-14319/89; A-3222)
- 89 Ill. Adm. Code 527 Recovery of Misspent Funds (P-8095)
- 89 Ill. Adm. Code 845 Sequential Evaluation Process for the Determination of Disability (P-12240)
- 89 Ill. Adm. Code 700 Service Plan Development (P-14331/89; O-20407/89; R-2968; A-4900) (P-813; C-9624)
- 89 Ill. Adm. Code 695 Service Provision (P-12252)
- 89 Ill. Adm. Code 567 Similar Benefits (P-12731)
- 89 Ill. Adm. Code 810 Special Education Personnel (P-13739/89; A-3661)
- 89 Ill. Adm. Code 890 Telecommunication Devices for the Hearing Impaired (P-2844)
- 89 Ill. Adm. Code 592 Training Services (P-14338/89; A-1473) (P-12257)
- 89 Ill. Adm. Code 650 Vending Facility Program for the Blind (P-6683)
- 89 Ill. Adm. Code 650 Vending Stand Program for the Blind (PR-6725)

RETIREMENT SYSTEM OF ILLINOIS, STATE EMPLOYEES'

- 80 Ill. Adm. Code 1540 Administration & Operation of the State Employees' Retirement System of Ill., The (P-4880; RC-10149; A-10498)

RETIREMENT SYSTEM OF THE STATE OF ILLINOIS, TEACHERS'

- 80 Ill. Adm. Code 1650 Administration & Operation of the Teachers' Retirement System, The (P-11742; C-13871)

RETIREMENT SYSTEM, STATE UNIVERSITIES

- 80 Ill. Adm. Code 1600 Universities Retirement (P-1228; A-6789)

REVENUE, DEPARTMENT OF

- 86 Ill. Adm. Code 420 Alcoholic Liquor Act (P-9402)
- 86 Ill. Adm. Code 428 Cannabis & Controlled Substances Tax Act (P-8996) (E-9251)

CI - 12

ILLINOIS REGISTER

1990 CUMULATIVE INDEX

AUGUST 31, 1990

VOL. 14, ISSUE #35

REVENUE, DEPARTMENT OF (CONT'D)

- 86 Ill. Adm. Code 440
Cigarette Tax Act (P-12954/89; A-6794) (P-13429)
86 Ill. Adm. Code 450
Cigarette Use Tax Act (P-12964/89; A-6804) (P-13434)
86 Ill. Adm. Code 100
Income Tax (P-17312/89; A-4558) (P-18188/89; A-6810) (P-7090) (P-19347/89; A-10082)
86 Ill. Adm. Code 300
Motor Fuel Tax (P-13201/89; A-6826)
86 Ill. Adm. Code 432
Pull Tabs & Jar Games Act (P-19371/89; A-6399)
86 Ill. Adm. Code 130
Retailers' Occupation Tax (P-22097/88; O-20410/89; M-411; A-241) (P-8391/89; A-872) (P-7106)
86 Ill. Adm. Code 140
Service Occupation Tax (P-10179/89; A-262) (P-7123)
86 Ill. Adm. Code 205
Taxpayer Rights (P-575; A-6831)
86 Ill. Adm. Code 495
Telecommunications Excise Tax (P-16723/89; O-10152; M-11408; A-11321)
86 Ill. Adm. Code 150
Use Tax (P-7215/89; A-6835)

RURAL BOND BANK, ILLINOIS

- 47 Ill. Adm. Code 410
Application Process for Governmental Units (P-4449) (E-4712)
47 Ill. Adm. Code 400
General Rules (P-4451) (E-4720)
47 Ill. Adm. Code 420
Purchase of Governmental Unit Bonds (P-4453) (E-4734)

SECRETARY OF STATE

- 92 Ill. Adm. Code 1040
Cancellation, Revocation, or Suspension of Licenses or Permits (P-14810/89; A-2944) (P-15351/89; A-3664) (P-15635/89; A-5178) (P-5488; A-14177) (P-14014/89; A-5560) (P-8109)
92 Ill. Adm. Code 1010
Certificates of Title, Registration of Vehicles (P-1853; A-9492) (P-3022; A-12267) (P-15357/89; A-4560) (P-19235/89; A-6848) (P-8575) (P-8998)
92 Ill. Adm. Code 1060
Commercial Driver Training Schools (P-1859; A-8658)
92 Ill. Adm. Code 1020
Dealers, Wreckers, Transporters & Rebuilders (P-14818/89; A-3671) (P-19241/89; O-4761; M-8738; A-8704) (P-19241/89; F-10156)
2 Ill. Adm. Code 552
Departmental Duties (A-6854)
2 Ill. Adm. Code 551
Freedom of Information (A-13852)
23 Ill. Adm. Code 3030
Ill. Library System Act, The (P-11764)
92 Ill. Adm. Code 1070
Ill. Safety Responsibility Law (P-2526; A-10107) (P-19116/89; A-6859)
92 Ill. Adm. Code 1030
Issuance of Licenses (P-179; A-8707) (P-579; A-9246) (P-1902; A-12077) (P-2289; A-10111) (P-2530; A-9498) (P-2832; A-10510) (P-14019/89; A-4570) (P-16297/89; A-4908) (P-5060) (P-14344/89; A-5183) (P-7130; W-9623) (P-11175)

Mandatory Vehicle Liability Insurance (P-14349/89; A-2952) (P-7417)

- 50 Ill. Adm. Code 8010
Procedures & Standards (P-16932/89; A-2601; C-3698) (P-5977)
92 Ill. Adm. Code 1001
Regs. Under the Ill. Securities Law of 1953 (P-13742/89; A-884) (P-16302/89; A-5188)
92 Ill. Adm. Code 1019
Remittance Agents (P-18843/89; A-5813)
14 Ill. Adm. Code 170
Revised Uniform Limited Partnership Act (P-14824/89; A-1480)
71 Ill. Adm. Code 2005
Use of the Capitol Complex Facilities, The (P-15640/89; O-2124; RC-2131; M-7267; A-7228)

STATE POLICE, DEPARTMENT OF

- 20 Ill. Adm. Code 1215
Ill. Uniform Conviction Information Act (P-12398)

STATE POLICE MERIT BOARD, DEPARTMENT OF

- 80 Ill. Adm. Code 150
Procedures of the Dept. of State Police Merit Board (P-16365/89; A-3679)

STUDENT ASSISTANCE COMMISSION, ILLINOIS

- 23 Ill. Adm. Code 2731
Correctional Officer's Grant Program (P-18204/89; A-10534)
23 Ill. Adm. Code 2700
General Provisions (P-18207/89; A-10538)
23 Ill. Adm. Code 2720
Guaranteed Loan Programs (P-2300; A-10941) (E-4266) (P-18222/89; A-10553)
23 Ill. Adm. Code 2730
Ill. National Guard Grant (P-18236/89; A-10571)
23 Ill. Adm. Code 2733
Ill. Veteran Grant Program (P-18239/89; A-10571)
23 Ill. Adm. Code 2761
Merit Recognition Scholarship (MRS) Program (P-18245/89; A-10578)
23 Ill. Adm. Code 2735
Monetary Award Program (MAP) (P-18251/89; A-7242)
23 Ill. Adm. Code 2732
Police Officer/Fire Officer Grant Program (P-18257/89; A-10585)

ILLINOIS REGISTER

1990 CUMULATIVE INDEX

AUGUST 31, 1990

VOL. 14, ISSUE #35

STUDENT ASSISTANCE COMMISSION, ILLINOIS (CONT'D)

- 23 Ill. Adm. Code 2760
State Scholar Program (P-18260/89; A-10589)
TRANSPORTATION, DEPARTMENT OF
92 Ill. Adm. Code 730
Allocation of Water from Lake Michigan (P-14357/89; A-1484)
92 Ill. Adm. Code 449
Alternate Fuel System for School Buses (P-16944/89; A-3686)
92 Ill. Adm. Code 177
Carriage by Public Highway (P-16367/89; A-2613)
92 Ill. Adm. Code 180
Continuing Qualification & Maintenance of Packaging (P-16371/89; A-2617)
92 Ill. Adm. Code 557
Custodial Transportation of Pupils Where Walking Constitutes a Serious Safety Hazard (P-10709) (P-10722)
92 Ill. Adm. Code 397
Driving & Parking (CC-3281) (P-7424) (PR-7429)
92 Ill. Adm. Code 392
Driving of Motor Vehicles (P-7438)
92 Ill. Adm. Code 548
Establishing & Posting Speed Limits on Streets & Highways (PR-17731/89; AR-3692)
92 Ill. Adm. Code 171
General Information, Regs., & Definitions (P-16375/89; A-2621)
92 Ill. Adm. Code 401
Hazardous Materials Civil Money Penalty Policy (A-3234)
92 Ill. Adm. Code 172
Hazardous Materials Table & Hazardous Materials Communications (P-16382/89; A-2628)
92 Ill. Adm. Code 395
Hours of Services of Drivers (P-7442)
92 Ill. Adm. Code 546
Ill. Manual on Uniform Traffic Control Devices (PR-17767/89; AR-3694)
92 Ill. Adm. Code 396
Inspection, Repair & Maintenance (P-7447; C-9262)
92 Ill. Adm. Code 390
Motor Carrier Safety Regs.: General (P-7452)
92 Ill. Adm. Code 393
Parts & Accessories Necessary for Safe Operation (P-7468)
92 Ill. Adm. Code 107
Procedures (P-16387/89; A-2633) (P-3028; A-8189)
92 Ill. Adm. Code 386
Procedures & Enforcement (P-7472)
92 Ill. Adm. Code 391
Qualification of Drivers (P-7487)
92 Ill. Adm. Code 173
Shippers General Requirements for Shipments & Packagings (P-16393/89; A-2651)
92 Ill. Adm. Code 178
Shipping Container Specifications (P-16400/89; A-2640)

PUBLIC HEARINGS

ALCOHOLISM & SUBSTANCE ABUSE, DEPARTMENT OF

- 77 Ill. Adm. Code 2058
Licensure of Alcoholism & Substance Abuse Treatment, Intervention & Research Programs 8740

CARNIVAL-AMUSEMENT SAFETY BOARD

- 56 Ill. Adm. Code 6000
Carnival & Amusement Ride Inspection Law 3282

CONSERVATION, DEPARTMENT OF

- 17 Ill. Adm. Code 510
General Hunting & Trapping on Department-Owned or -Managed Sites 6924
17 Ill. Adm. Code 570
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping 6925
17 Ill. Adm. Code 670
White-Tailed Deer Hunting by Use of Bow & Arrow 6926
17 Ill. Adm. Code 670
White-Tailed Deer Hunting by Use of Bow & Arrow 12104

EDUCATION, STATE BOARD OF

- 23 Ill. Adm. Code 226
Special Education 12937

FIRE MARSHAL, OFFICE OF THE STATE

- 41 Ill. Adm. Code 250
Fire Equipment Distributor & Employee Standards 7272

LABOR, DEPARTMENT OF

- 56 Ill. Adm. Code 100
Prevailing Wage Hearing Procedures 5623

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF

- 59 Ill. Adm. Code 119
Minimum Standards for Certification of Developmental Training Programs: 3699

PUBLIC HEALTH, DEPARTMENT OF

- 77 Ill. Adm. Code 205
Ambulatory Surgical Treatment Center Licensing Requirements 5908

ILLINOIS REGISTER

1990 CUMULATIVE INDEX

VOL. 14, ISSUE #35

AUGUST 31, 1990

PUBLIC HEALTH, DEPARTMENT OF (CONT'D)

77 Ill. Adm. Code 855 Asbestos Abatement for Public & Private Schools in Ill. 2168
 77 Ill. Adm. Code 535 Emergency Medical Services Code 2170
 77 Ill. Adm. Code 535 Emergency Medical Services Code 5624
 77 Ill. Adm. Code 750 Food Service Sanitation Code 12687
 77 Ill. Adm. Code 550 Head & Spinal Cord Injury Code 13367
 77 Ill. Adm. Code 540 Ill. Trauma Center Code *13872
 77 Ill. Adm. Code 396 Life Care Facilities Contract Code 2172
 77 Ill. Adm. Code 635 Program Content & Guidelines for Title X Family Planning Services 8229
 77 Ill. Adm. Code 830 Structural Pest Control Code 2685
 77 Ill. Adm. Code 672 WIC Vendor Management Code 11411

REVENUE, DEPARTMENT OF

86 Ill. Adm. Code 495 Telecommunications Excise Tax 1535

PUBLIC INFORMATION

BANKS AND TRUST COMPANIES, COMMISSIONER OF

Notice of Acceptance of an Application by First Banks, Inc., St. Louis, Missouri, to Acquire Havana Banshares, Inc., Springfield, Ill. 12105
 Notice of Acceptance of an Application by First Banks, Inc., St. Louis, Missouri, to Acquire West Frankfort Community Banshares, Inc., West Frankfort, Ill. 1536
 Notice of Acceptance of an Application by First Financial Corporation, Terre Haute, Indiana, to Acquire Ridge Farm State Bank, Ridge Farm, Ill. 13369
 Notice of Acceptance of an Application by INB Financial Corporation, Indianapolis, Indiana, to Acquire Peoples Mid-Ill. Corporation, Bloomington, Ill. 10949
 Notice of Acceptance of an Application by Manufacturers National Corporation, Detroit, Michigan, to Acquire State Bank of Lake Zurich, Lake Zurich, Ill. 5910

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

Initial Plan of the Advisory Commission 10594

LOTTERY, DEPARTMENT OF THE

Game-Specific Materials (Calendar year 1989) 2174

POLLUTION CONTROL BOARD

Notice Pursuant to Ill. Rev. Stat. 1988, Supp. Ch. 111 1/2, par. 1007.2(b) 4765
 Notice Pursuant to Ill. Rev. Stat. 1988, Supp. Ch. 111 1/2, par. 1007.2(b) RCRA Rules Under Par. 1022.4(a) 3283
 Notice Pursuant to Ill. Rev. Stat. 1988, Supp. Ch. 111 1/2, par. 1007.2(b) SDWA Rules Under Par. 1017.5 3285
 Notice Pursuant to Ill. Rev. Stat. 1988, Supp. Ch. 111 1/2, par. 1007.2(b) UST Rules Under Par. 1022.4(d) 3287
 Notice Pursuant to Ill. Rev. Stat. 1988, Supp. Ch. 111 1/2, par. 1007.2(b) SDWA Rules Under Par. 1017.5 10950

REHABILITATION SERVICES, DEPARTMENT OF

Auxiliary Aids; 89 Ill. Adm. Code 540 7664

REVENUE, DEPARTMENT OF

Index of Letter Rulings (Third Quarter of 1989) (Income Tax) 1052
 Index of Letter Rulings (Third Quarter of 1989) (ROT) 2175
 Index of Letter Rulings (Fourth Quarter of 1989) (Income Tax) 2687
 Index of Letter Rulings (First Quarter of 1990) (Income Tax) 8231
 Index of Letter Rulings (First Quarter of 1990) (ROT) 10168
 Index of Letter Rulings (First Quarter of 1990) (ROT) 12322

ILLINOIS REGISTER

1990 CUMULATIVE INDEX

VOL. 14, ISSUE #35

AUGUST 31, 1990

REVENUE, DEPARTMENT OF (CONT'D)

Index of Letter Rulings (Second Quarter of 1990) (ROT) 13874

SAVINGS AND LOAN ASSOCIATIONS, COMMISSIONER OF

Summary of Order of Emergency Suspension of the License to Act as a Residential Mortgage Licensee of Preferred Financial Services, Inc., Carol Stone, President of Preferred Financial Services, Inc. 3701
 Summary of Order of Fine & no Suspension or Revocation of License to Act as a Residential Mortgage Licensee of Lorac Mortgage Corporation, Carol Sutton, President 2969
 Summary of Order of Revocation of License to Act as a Residential Mortgage Licensee of Advantage Mortgage Corporation, Robert Klibicka, President 2970
 Summary of Order of Revocation of License to Act as a Residential Mortgage Licensee of First Universal Mortgage Company, Marie Lee, President 2971
 Summary of Order of Revocation of License to Act as a Residential Mortgage Licensee of Midwest Mortgage Financial Group Ltd., Charles Taylor 2972
 Withdrawal of Order of Summary Suspension of & Reinstatement of the License of Preferred Financial Services, Inc., Carol Stone, President, To Act as a Residential Mortgage Licensee 2973

REGULATORY AGENDA

EMPLOYMENT SECURITY, DEPARTMENT OF

56 Ill. Adm. Code 2712 General Application 10952

REHABILITATION SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 716 Case Management Services to Persons with AIDS 5255
 89 Ill. Adm. Code 562 Client Financial Participation 5256
 89 Ill. Adm. Code 840 Consultative Examination Process, The 5634
 89 Ill. Adm. Code 587 Medical, Psychological, & Related Services 5257
 89 Ill. Adm. Code 685 Non-Financial Eligibility Criteria 5258
 89 Ill. Adm. Code 895 Total Life Planning Program 5259
 89 Ill. Adm. Code 650 Vending Stand Program for the Blind 5260

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda

January 10, 1990 412
 February 8, 1990 2191
 March 7, 1990 3289
 April 3, 1990 4972
 June 5, 1990 8741
 July 26, 1990 12106
 August 21, 1990 13370

Second Notices Received

422, 1077, 1537, 1634, 2198, 2411, 2708, 2974, 3295, 3702, 4272, 4767, 4981, 5261, 5636, 5911, 6438, 6927, 7274, 8254, 8749, 9263, 9625, 10181, 10597, 10953, 11413, 12120, 12337, 12689, 12941, 13378, 13900, 14222

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

90-1 Executive Order For The Establishment Of An Interagency Council On Census Coordinator. 1636
 90-2 Executive Order For The Reduction of Earthquake Hazards 6441
 90-3 Personnel Directive 10955

ILLINOIS REGISTER

VOL. 14, ISSUE #35

AUGUST 31, 1990

1990 CUMULATIVE INDEX

PROCLAMATIONS

89-562	Girls And Women In Sports Day	424
89-563	Soup Month	424
89-564	Vocational Education Week	425
89-565	Nick Perrino Day	425
89-566	Chronic Fatigue Syndrome Awareness Day	426
90-001	Careers In Cosmetology Month	1538
90-002	Jaycee Week	1538
90-003	William Franklin Fennoy Day	1538
90-004	Financial Aid Awareness Month	1539
90-005	Printing Week	1540
90-006	Antioch Rescue Squad Day	1639
90-006	Antioch Rescue Squad Day (Revised)	2412
90-007	Recognizes Frank R. Zimmerman	1640
90-008	United States Navy Armed Guard Week	1641
90-009	Catholic Schools Appreciation Day	1642
90-010	Patrick G. Ryan Day	1643
90-011	Red Cloud Special 25th Anniversary Day	1644
90-012	Engineers Week	2200
90-013	Kidney Month	2200
90-014	Land And Water Conservation Fund/25th Anniversary	2201
90-015	South Side YMCA Day	2201
90-016	Earth Day	2202
90-017	Foreign Week	2202
90-018	Astronaut Remembrance Day	2203
90-019	Land Surveyors' Month	2203
90-020	Marion Housing Authority Referendum/Federal Social Security Act/Illinois Pension Code	2204
90-021	Ukrainian Independence Day	2413
90-022	Afro-American History Month	2710
90-022	African-American History Month (Revised)	2414
90-023	Biomedical Equipment Technology Week	2415
90-024	Freedom Day	2416
90-025	IRS-Sponsored Volunteer Week	2417
90-026	Sales And Marketing Month	2418
90-027	Travel Agency Appreciation Week	2711
90-028	Consumers Week	2712
90-029	American Ballet Theatre Week	2713
90-030	Black Nurses' Day	2714
90-031	Illinois School Psychologists Association Week	2715
90-032	Post Anesthesia Nurse Awareness Week	2716
90-033	Illinois Community College System/25th Anniversary	2717
90-034	Minority Education Day	2718
90-035	Motorcycle Awareness Month	2719
90-036	UIC Month	2720
90-037	Women's History Month	2975
90-038	Marian Catholic High School Band Day	2975
90-039	Super Smile Day	2976
90-040	Cardiac Rehabilitation Week	2976
90-041	Employee Health and Fitness Day	2977
90-042	FFA Week	2977
90-043	Future Business Leaders of America-Phi Beta Lambda Week	2978
90-044	League of Women Voters Week	3296
90-044	League Of Women Voters Week (Revised)	2978
90-045	Recognizes Lacey C. Brooks	2979
90-046	Salute To Hospitalized Veterans Week	3296
90-047	Declares Champaign County To Be A Disaster Area	3297
90-048	Irving Dilliard Day	

CI - 17

ILLINOIS REGISTER

VOL. 14, ISSUE #35

AUGUST 31, 1990

1990 CUMULATIVE INDEX

PROCLAMATIONS (CONT'D)

90-049	Lithuanian Independence Day	3297
90-049	Lithuanian Independence Day (Revised)	4275
90-050	RE/MAX Of Northern Illinois Day	3298
90-051	Seed Month	3298
90-052	Volvo Tennis/Chicago Week	3299
90-053	American Music Month	3299
90-054	Legion Of Valor Day	3300
90-055	Luster's Black Heritage Day	3300
90-056	Student Council Week	3301
90-057	William J. Weisz Day	3301
90-058	Advanced Learning Institute Day	3705
90-059	American Diabetes Association's 50th Anniversary	3705
90-060	Community Associations Day	3706
90-061	Estonian Day	3706
90-062	Jake Turano Day	3707
90-063	Love And Help Children Month	3707
90-064	Potato Lovers Month	3708
90-065	Congratulates Robert F. Hyland	3708
90-066	Nursing Home Week	3709
90-067	Nutrition Month	3709
90-068	Tornado Preparedness Week	4275
90-069	Searle Day	4275
90-070	Youth Art Month	4276
90-071	American History Month	4276
90-072	Bust MS Month	4277
90-073	Child Find Month	4277
90-074	Newspaper In Education Week	4278
90-075	Surgical Technologist Week	4278
90-076	Arts Education Week	4278
90-077	Licensed Practical Nurse Week	4279
90-078	Lutheran Schools Week	4279
90-079	Douglas, Edgar, Ford, Iroquois, Livingston, McLean, Moultrie, Piatt & Vermillion Counties Disaster Areas	4768
90-080	Apprenticeship Week	4768
90-081	Casimir Pulaski Day	4769
90-082	Chronic Fatigue Syndrome Awareness Week	4769
90-083	Employ The Older Worker Week	4769
90-084	Free Paper Week	4770
90-085	Proud Lady Days	4770
90-086	U.S. Savings Bond Campaign Month	4771
90-087	Women Veterans Recognition Day	4771
90-088	Building Safety Week	4771
90-089	Groundwater Protection Month	4772
90-090	Headache Week	4773
90-091	Rural Electric & Telephone Youth Day	4773
90-092	St. Peter Lutheran Church & School Against Drugs Week	4774
90-093	Be Kind To Animals Week	4774
90-094	Lioness Caramel Corn Day	4774
90-095	Music Week	4775
90-096	Poison Prevention Week	4775
90-097	Student-Athlete Day	4776
90-098	Vietnam Veterans Day	4776
90-099	Youth Temperance Education Week	4777
90-100	Matthew Headrick Day	4777
90-101	Judith Erwin Day	4778
90-102	Middle Level Education Week	4778

CI - 18

PROCLAMATIONS (CONT'D)

90-103	Mathematics Awareness Week	4982
90-104	Minuteman Press International Day	4982
90-105	Professional Home Remodeling Month	4983
90-106	Bielarusian Independence Day/Dr. Francisak Quincentenary Year	4983
90-107	Jim Munz Day	4984
90-108	Lake County Community Action Project Day	5263
90-109	Agriculture Week	5263
90-110	Energy Education Day	5264
90-111	Illinois-Eastern Iowa District Key Club 40th Anniversary Week	5264
90-112	Parks & Recreation Month	5265
90-113	AMBUCS Month	5265
90-114	Clarence Darrow Community Center Day	5266
90-115	Legislators' Fitness Day	5266
90-116	Rural Health Care Week	5267
90-117	Medical Laboratory Week	5637
90-118	Mother Of The Year Day	5637
90-119	Kids Fitness Week/Kids Workout Day	5638
90-120	Municipal Clerks Week	5638
90-121	Organ & Tissue Donor Awareness Week	5639
90-122	Patient Recipients Day	5639
90-123	Tuberculosis Sclerosis Month	5640
90-124	Variety Club Children's Carnival Day	5640
90-125	Athletic Trainers Week	5640
90-126	Congratulations Dr. Joseph Ondrus	5641
90-127	Days Of Remembrance	5641
90-128	Lake & Watershed Management Month	5642
90-129	Medical Assistants Week	5642
90-130	Pre-White House Conference Days	5643
90-131	Public Service Recognition Week	5643
90-132	Weight Loss Month	5644
90-133	John H. Struwe Day	5644
90-134	Naturalized American Citizen Month	5645
90-135	Call Before You Dig Month	5645
90-136	Earthquake Awareness Week	5646
90-137	Breastfeeding Promotion Month	5913
90-138	Carol Kimmel Day	5913
90-139	Head Start Year	5914
90-140	Ill. Industry Appreciation Day	5914
90-141	POW-MIA Day	5915
90-142	Fraternal Order of Eagles Week	5915
90-143	High Blood Pressure Month	5916
90-144	William Warfield Day	5916
90-145	Greek Independence Day	5917
90-146	Patent & Copyright Bicentennial Week	5917
90-147	Pharmacy Day	5918
90-148	World Health Day	5918
90-149	Commends Jack W. Gaston	5919
90-150	Springfield Day	5919
90-151	Holiday Meals-On-Wheels Day	6444
90-152	Lions Candy Day	6444
90-153	American GI Forum Days	6445
90-154	American Police Hall Of Fame Day	6445
90-155	Better Hearing & Speech Month	6446
90-156	Blood Donor Awareness Month	6447
90-157	Boys & Girls Club Week	6447
90-158	Bozo Ball Day	6447

PROCLAMATIONS (CONT'D)

90-159	Business Opportunity Days	6448
90-160	Community Mental Health Services Week	6448
90-161	Drinking Water Week	6449
90-162	ECC Music Workshop Days	6449
90-163	Environmental Awareness Week	6449
90-164	Family Week	6450
90-165	Flag Celebration Days	6450
90-166	Fluor spar Week	6451
90-167	Health Care Team Day	6451
90-168	Ill. Clean & Beautiful & Tree City USA Month	6452
90-169	John Dively, Sr. Day	6452
90-170	Jones 50th Anniversary Week	6453
90-171	Plano Molding Company Day	6453
90-172	Steamboat Day	6454
90-173	Trail Appreciation Month	6454
90-174	Victim Rights Week	6455
90-175	Volunteer Week	6455
90-176	Commends Little Miss Sigma Pageant/Congratulations Jennifer Douglas	6928
90-177	Henry & Socorro Garza Day	6928
90-178	Independent Order of Foresters Child Abuse Prevention Week	6929
90-179	Professional Secretaries Week/Professional Secretaries Day	6929
90-180	Queen Isabella Day	6929
90-181	Seventh-Day Adventist Schools Week	6930
90-182	Child Abuse Prevention Month	7275
90-183	Cinco De Mayo Day	7275
90-184	Cyrotechnology Day	7275
90-185	Day Of Remembrance Of The Armenian Genocide	7276
90-186	Physical Fitness & Sports Month/Physical Education & Sports Week	7276
90-187	Plant Illinois Week	7277
90-188	Teacher Appreciation Week	7278
90-189	Dairy Queen Day	7278
90-190	Illinois Rivers Appreciation Month	7278
90-191	"Just Say No" Week	7279
90-192	Nurses Week	7279
90-193	Operation Lifesaver Awareness Day	7280
90-194	Take Pride In America Month	7280
90-195	Tourism Week	7281
90-196	Asian American Heritage Month	7281
90-197	Congratulations Edna S. Walden	7282
90-198	Day Of Prayer	7283
90-199	Homes Of The Aging Week	7283
90-200	Richard J. Walsh Day	7284
90-201	Transportation Week	7284
90-202	All Presidents Day	7285
90-203	Congratulations William P. Hopkins	7285
90-204	Day Of Memorial Of The Warsaw Ghetto Uprising	7286
90-205	Little League Day	7286
90-206	Older Americans Month	7287
90-207	Students Against Driving Drunk Months	7287
90-208	W. Clement & Jessie V. Stone Day	7288
90-209	Youth Service Day	7288
90-210	Congratulations Eli's Cheesecake	7289
90-211	Coup De Hoop Day	7665
90-212	Foster Parent Month	7665
90-213	Maritime Day	7665
90-214	Metric Week	7666

ILLINOIS REGISTER

1990 CUMULATIVE INDEX

VOL. 14, ISSUE #35

AUGUST 31, 1990

PROCLAMATIONS (CONT'D)

90-215	Morgan Park Credit Union Day	7666
90-216	Multiple Sclerosis Association Of America Month	7667
90-217	Nurse Recruitment Day	7667
90-217	Nurse Reimbursement Day (Revised)	8257
90-217	Nurse Reimbursement Day (Revised)	8751
90-218	Rehabilitation Facilities Week	7668
90-219	Stamp Collecting Week	7668
90-220	Truman Day	7669
90-221	Congratulates Bishop and Mrs. Mayo	7669
90-222	National Guard 183rd Tactical Fighter Group Day	7670
90-222	National Guard 183rd Tactical Fighter Group Day (Revised)	11415
90-223	Police Memorial Day/National Police Week/National Police Memorial Day	7671
90-225	Israel Bond Day	7671
90-226	Salutes Martin R. Binder & Memories of China	7671
90-227	Small Business Week	7672
90-228	American Home Week	7672
90-229	Motorcycle Awareness Day	7673
90-230	Congratulates Catherine "Kaye" Howell	7673
90-231	Arson Awareness Week	8257
90-232	Exceptional Children's Week	8258
90-233	National Association Of Insurance Women's Week	8258
90-234	Festival Chorus Day	8259
90-235	Buckle-Up America Week	8259
90-236	Centennians Day	8260
90-237	Chicago College Of Osteopathic Medicine Day	8260
90-238	Start Talking Week	8260
90-239	The Future Of Public Health Week	8261
90-240	Week Of The High Risk Child	8261
90-241	Dr. Jonas Salk Day	8262
90-242	Management Week	8262
90-243	RP Awareness Day	8263
90-244	Commends John Hughes	8263
90-245	Gateway Day	8264
90-246	Mattoon Area Senior Center Day	8265
90-247	Metropolitan Pier & Exposition Authority Employee Longevity Day	8265
90-248	Mother's Day	8266
90-249	Retired Teachers Week	8266
90-250	Year Of The Airborne	8266
90-251	Manufactured Housing Days	8267
90-252	Railroad Women's Day	8267
90-253	Correctional Officer Week	8268
90-254	Volunteer Talent Pool Day	8268
90-255	Better Presentations Month	8751
90-256	Caucus & Center On The Black Aged, Incorporated Day	8752
90-257	Hospital Day	8752
90-258	Housekeeping Week	8753
90-259	United Nations Day	8753
90-260	Beef Month	8754
90-261	High Technology Week	8754
90-262	Illinois Bell Operator Day	8755
90-263	Peace Day	8755
90-264	Cornelia de Lange Awareness Day	8755
90-265	Human Rights Day	8756
90-266	Children's Day	8756
90-267	Dia De La Sonora Mauncera	8757
90-268	Sporting Goods Week	8758

CI - 21

ILLINOIS REGISTER

1990 CUMULATIVE INDEX

VOL. 14, ISSUE #35

AUGUST 31, 1990

PROCLAMATIONS (CONT'D)

90-269	Student Services Corporation Vocational Education Day	8758
90-270	Disaster Areas - Several Counties	9266
90-271	Charlotte Larcia Day	9266
90-272	Illinois State Medical Society Recognition Week	9267
90-273	Mental Health Month	9267
90-274	Neurofibromatosis Awareness Month	9268
90-275	Ortho-Olympics Day	9268
90-276	Pest Control Month	9269
90-277	Pompon Appreciation Day	2969
90-278	Talent-Linkage-Chicago Day	9270
90-279	Spiegel Day	9270
90-280	Women in Management Week	9271
90-281	Congratulates St. Martin De Porres House Of Hope	9271
90-282	LaGrange Nurses Day	9272
90-283	Safe Boating Week	9272
90-284	Argonne Advanced Photon Day	9628
90-285	La Semana De Las Fiestas Patrimoniales De Puerto Rico	9628
90-286	Safety Week	9629
90-287	Disaster Areas - Several Counties	9630
90-288	Illinois Marine Corps League Days	10184
90-289	Seeds Of Interdenominational Family Day	10184
90-290	Certified Nurse Assistant Day	10185
90-291	Lech Walesa Day	10185
90-292	Ohio River Sweep Day	10185
90-292	Ohio River Sweep Day (Revised)	10599
90-293	The Woodlawn Organization Day	10186
90-294	Kid Safe Saturday	10186
90-295	Pharmaceutical Manufacturers Day	10187
90-296	State-Supported Home For Veterans Week	10187
90-297	Special Olympics Adopt-A-Cop Month	10599
90-298	Child Support Enforcement Awareness Week	10600
90-299	Father's Day	10600
90-300	Federal Employee of the Year Day	10601
90-301	Respect Life Week	10601
90-302	Village of Summit Day	10601
90-303	HRMAC Professional Day	10602
90-304	Disaster Areas - Several Counties	10956
90-305	Customer Service Week	10956
90-306	Dairy Month	10957
90-307	David R. Gilbert Day	10957
90-308	Foster Grandparent Recognition Day	10958
90-309	Navy League Of The United States Month	10958
90-310	Mississippi River Revival	10959
90-311	Nation's Black Newspaper Publishers Days	10959
90-312	Paraprofessional & Clerical Support Staff In Personnel Offices Of State Agencies Week	10960
90-313	Reverend Clay Evans Day	10960
90-314	WIC Days	10961
90-315	Flags At Half-Mast Day	10961
90-316	Sigma Gamma Rho Sorority Days	10962
90-317	Soviet & American Pen Pals Day	10962
90-318	The Year Of Mundelin College	10963
90-319	Columbus/Official Quincentennial Town	11415
90-320	Congratulates Older Women's League	11415
90-321	East Central Ill. Business Appreciation Week	11416
90-322	German-American Day	11417
90-323	Arbitration Day	11417

CI - 22

PROCLAMATIONS (CONT'D)

90-324	Bible Week	11417
90-325	Clean Indoor Air Week	11418
90-326	Congratulates Steppenwolf Theatre Company	11418
90-327	Andrea Youth Day	11419
90-328	Balls On Independence Day	11419
90-329	Hosiery Week	11420
90-330	Victory Week	11420
90-331	Disaster Areas - Several Counties	11421
90-332	Beep Baseball Week	12122
90-333	Captive Nations Week	12122
90-334	Congratulates Marietta Ghile	12123
90-335	Home Care Week	12123
90-336	The Michael Jordan Foundation Day	12124
90-337	Disaster Areas - Several Counties	12338
90-338	Negro League Baseball Players Day	12338
90-339	Push America Day	12339
90-340	Chicago African American Exposition Days	12339
90-341	Stephen T. Hynes Day	12340
90-341	Stephen T. Hynes Day (Revised)	12692
90-342	Emergency Nurses Days	12340
90-343	National Basketball Players Association/Little City Foundation Day	12341
90-344	Otto Whitehill Day	12341
90-345	True Value Fitness-Fun Day	12342
90-346	U.S. Space Observation Days/Space Exploration Day	12343
90-347	Vocational Student Organization Week	12343
90-347	Vocational Student Organization Week (Revised)	13382
90-348	Apostle Larry C. Simmons Day	12344
90-349	Firefighters Appreciation Week	12692
90-350	American Business Women's Day	12693
90-351	Broken Arrow Day	12693
90-352	Help Retarded Citizens Days	12693
90-353	Leukemia Awareness Week	12694
90-354	Toastmasters Month	12694
90-355	Adult Day Care Week	12695
90-356	Patriarch Dimitrios Day	12695
90-357	Uruguay Day	12696
90-358	Cas on Holiday Day	12938
90-359	Peruvian Day	12938
90-360	POW/MIA Recognition Day	12938
90-361	Kids For Conservation Day	12939
90-362	Janet Jackson Day	12939
90-363	Disaster Areas - Several Counties	13382
90-364	Basolo 70 Celebration Day	13383
90-365	Miss/Ms. Wheelchair America Week	13383
90-366	Recognizes 75th Anniversary Of The U.S. Naval Reserve	13384
90-367	American Jazz Dance Week	13384
90-368	International Visitors Month	13385
90-369	Morgan Horse Week	13385
90-370	Osteopathic Medicine Week	13386
90-371	Chamber Of Commerce Week	13386
90-372	Dystonia Awareness Day	13387
90-373	Emergency Medical Services Week	13388
90-374	H.M.S. Rose Day	13388
90-375	Paralyzed Veterans Recognition Day	13388
90-376	Veterans Day At The Fair	13389
90-377	Women's Business Ownership Day	13389

PROCLAMATIONS (CONT'D)

90-378	Automotive Parts & Accessories Association Week	13902
90-379	Dental Hygiene Week	13902
90-380	Disability Independence Day	13903
90-381	Korean Independence Day	14223
90-382	Women's Equality Day	14223
90-383	Yellowstone Concert Day	14224
90-384	American Energy Awareness Month	14224
90-385	American Indian Day	14225
90-386	Chemistry Day	14225
90-387	Minority Enterprise Development Week	14226
90-388	Notice To Palwaukee Municipal Airport Employees/Social Security Referendum	14226
90-389	Operating Room Nurse Day	14227
90-390	M. C. Hammer Day	14228

The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/89; A-724). The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

VOL. 14, ISSUE #35

ILLINOIS REGISTER

AUGUST 31, 1990

SECTIONS AFFECTED INDEX		TITLE 2	
150.220	am	(A-3049)	am
150.Ap.A	am	(A-3049)	am
551.40	am	(A-13852)	am
552.10	am	(A-6854)	am
625.55	am	(A-186)	am
700.20	am	(A-9009)	am
700.30	am	(A-584)	am
700.40	am	(A-584) (A-4093)	am
700.50	am	(A-584)	am
700.70	am	(A-584)	am
700.80	am	(A-584)	am
700.100	am	(A-584)	am
700.140	am	(A-584)	am
700.Ap.E	n	(A-584)	n
700.Ap.C	am	(A-4093)	am
1026.110	r	(A-14032)	r
1026.120	am	(A-14032)	am
1026.130	am	(A-14032)	am
1026.140	am	(A-14032)	am
1026.150	am	(A-14032)	am
1026.160	am	(A-14032)	am
1026.170	am	(A-14032)	am
1026.180	r	(A-14032)	r
1026.190	am	(A-14032)	am
1026.200	am	(A-14032)	am
1026.210	r	(A-14032)	r
1026.Ap.A	am	(A-14032)	am
1176.110	am	(P-9364)	am
1176.310	am	(P-9364)	am
1176.400	am	(P-9364)	am
1176.410	am	(P-9364)	am
2675.10	n	(A-4158)	n
2675.20	n	(A-4158)	n
2675.30	n	(A-4158)	n
2675.110	n	(A-4158)	n
2675.120	n	(A-4158)	n
2675.210	n	(A-4158)	n
2675.220	n	(A-4158)	n
2675.230	n	(A-4158)	n
2675.240	n	(A-4158)	n
2675.250	n	(A-4158)	n
2675.260	n	(A-4158)	n
2675.Ap.A	n	(A-4158)	n
2676.10	n	(A-4151)	n
2676.20	n	(A-4151)	n
2676.30	n	(A-4151)	n
2676.40	n	(A-4151)	n
2676.50	n	(A-4151)	n
2676.60	n	(A-4151)	n
2676.70	n	(A-4151)	n
2700.10	n	(A-11982)	n
2700.13	n	(A-11982)	n
2700.15	n	(A-11982)	n
2700.20	n	(A-11982)	n
2700.25	n	(A-11982)	n
2700.26	n	(A-11982)	n
2700.27	n	(A-11982)	n
2700.27	n	(A-11982)	n
2700.Ap.A	n	(A-11982)	n
2701.10	n	(A-12543)	n
2701.13	n	(A-12543)	n
2701.16	n	(A-12543)	n
2701.19	n	(A-12543)	n
2701.21	n	(A-12543)	n

TITLE 3		TITLE 8	
600.10	am	5.220	r
600.20	am	5.230	r
600.40	am	40.5	am
600.70	am	40.170	am
600.80	am	40.190	am
600.85	r	45.20	am
600.90	am	45.150	am
		75.50	am
		75.120	am
		75.190	am
		75.210	am
		80.10	am
		80.110	am
		85.5	am
		85.15	am
		85.50	am
		85.75	am
		85.80	am
		85.100	am
		85.110	am
		85.115	n
		100.10	am
		100.30	am
		105.10	am
		105.30	am
		110.20	am
		110.40	am
		110.90	am
		110.110	am
		110.120	am
		115.20	am
		115.40	am
		115.50	am
		115.80	am
		125.10	am
		125.90	am
		125.190	am
		125.200	am
		125.260	am
		125.270	am
		125.300	am
		125.305	am
		125.380	am
		125.390	am
		270.261	am
		850.50	am

TITLE 11		TITLE 14 (CONT'D)	
405.120	am	130.701	n
405.170	r	130.710	am
405.180	am	130.715	n
405.190	am	130.730	n
405.250	am	130.750	n
407.20	r	130.805	n
408.20	r	130.810	am
409.75	r	130.820	n
409.65	am	130.821	am
409.85	am	130.822	n
409.90	n	130.823	n
415.10	am	130.824	am
419.20	n	130.826	am
419.30	n	130.827	am
419.40	n	130.828	n
419.50	n	130.829	n
419.60	n	130.832	am
419.70	n	130.840	am
419.80	n	130.841	am
419.90	n	130.842	am
419.100	n	130.844	am
421.10	n	130.846	n
421.20	n	130.847	n
421.30	n	130.852	am
421.40	n	130.860	n
421.50	n	130.1100	am
421.60	n	130.1101	am
421.70	r	130.1102	am
421.80	n	130.1103	n
421.90	n	130.1104	n
423.35	am	130.1105	n
433.295	n	130.1106	n
433.298	n	130.1107	n
438.10	n	130.1108	n
438.20	n	130.1109	n
438.30	n	130.1110	#
438.35	n	130.1111	#
438.40	n	130.1111	#
438.50	n	130.1111	#
438.60	n	130.1112	am
438.70	n	130.1113	am
438.80	n	130.1114	n
438.90	n	130.1115	n
439.00	n	130.1116	n
439.10	n	130.1117	n
439.20	n	130.1118	n
439.30	n	130.1119	n
439.40	n	130.1120	n
439.50	n	130.1121	am
439.60	n	130.1122	am
439.70	n	130.1123	am
439.80	n	130.1124	n
439.90	n	130.1125	n
439.100	n	130.1126	n
439.110	n	130.1127	n
439.120	n	130.1128	n
439.130	n	130.1129	n
440.10	n	130.1520	n
440.20	n	130.1520	n
440.30	n	130.1520	n
440.40	n	130.1520	n
440.50	n	130.1520	n

TITLE 14		TITLE 14	
130.100	am	130.100	am
130.110	am	130.110	am
130.120	am	130.120	am
130.130	am	130.130	am
130.140	am	130.140	am
130.150	am	130.150	am
130.200	am	130.200	am
130.210	am	130.210	am
130.220	am	130.220	am
130.230	am	130.230	am
130.240	am	130.240	am
130.247	am	130.247	am
130.270	am	130.270	am
130.280	am	130.280	am
130.370	am	130.370	am
130.436	am	130.436	am
130.440	am	130.440	am
130.442	am	130.442	am
130.442	am	130.442	am
130.491	am	130.491	am
130.510	am	130.510	am
130.530	am	130.530	am
130.532	am	130.532	am
130.533	am	130.533	am
130.550	am	130.550	am
130.610	am	130.610	am
130.630	am	130.630	am
130.650	am	130.650	am
130.700	am	130.700	am

TITLE 14 (CONT'D)		TITLE 14 (CONT'D)	
170.20	n	170.20	n
510.110	n	510.110	n
510.120	n	510.120	n
510.130	n	510.130	n
510.140	n	510.140	n
510.150	n	510.150	n
510.160	n	510.160	n
510.170	n	510.170	n
510.175	n	510.175	n
510.180	n	510.180	n
510.185	n	510.185	n
510.190	n	510.190	n
510.195	n	510.195	n
510.200	n	510.200	n
510.205	n	510.205	n
520.315	n	520.315	n
520.740	am	520.740	am
520.800	r	520.800	r
520.810	r	520.810	r
520.820	r	520.820	r
520.830	r	520.830	r
520.900	am	520.900	am
520.910	am	520.910	am
520.930	am	520.930	am
520.1010	am	520.1010	am
525.10	n	525.10	n
525.20	n	525.20	n
525.30	n	525.30	n
525.40	n	525.40	n
525.50	n	525.50	n
525.60	n	525.60	n
525.70	n	525.70	n
525.80	n	525.80	n
540.110	n	540.110	n
540.120	n	540.120	n
540.130	n	540.130	n
540.140	n	540.140	n
540.150	n	540.150	n
540.160	n	540.160	n
540.170	n	540.170	n
540.180	n	540.180	n
540.190	n	540.190	n
545.10	n	545.10	n
545.20	n	545.20	n
545.30	n	545.30	n
545.40	n	545.40	n
545.50	n	545.50	n
545.60	n	545.60	n
545.70	n	545.70	n
545.110	n	545.110	n
545.120	n	545.120	n
545.130	n	545.130	n
545.140	n	545.140	n
545.150	n	545.150	n
545.160	n	545.160	n
545.170	n	545.170	n
545.180	n	545.180	n
545.190	n	545.190	n
545.210	n	545.210	n
545.215	n	545.215	n
545.220	n	545.220	n

SECTIONS AFFECTED INDEX

SECTIONS AFFECTED INDEX

TITLE 20 (CONT'D)		TITLE 23 (CONT'D)	
535.20	am	260.40	am
535.30	am	275.30	am
535.40	am	451.10	n
535.50	am	451.10	n
535.60	am	451.10	n
535.70	am	451.10	n
535.80	am	451.10	n
535.90	am	451.10	n
535.100	am	451.10	n
535.110	am	451.10	n
535.120	am	451.10	n
535.130	am	451.10	n
535.140	am	451.10	n
701.70	am	451.10	n
701.70	am	451.10	n
720.150	am	451.10	n
1215.10	n	451.10	n
1215.20	n	451.10	n
1215.30	n	451.10	n
1215.40	n	451.10	n
1215.50	n	451.10	n
1560.10	n	451.10	n
1560.20	n	451.10	n
1560.30	n	451.10	n
1560.40	n	451.10	n
1560.50	n	451.10	n
1720.20	am	451.10	n
1720.25	am	451.10	n
1760.101	n	451.10	n
1760.102	n	451.10	n
1760.103	n	451.10	n
1760.104	n	451.10	n
1760.201	n	451.10	n
1760.202	n	451.10	n
1760.203	n	451.10	n
1760.204	n	451.10	n
1760.205	n	451.10	n
1760.206	n	451.10	n
1760.207	n	451.10	n
130	am	451.220	r
1240	am	451.230	n
1245	n	451.230	n
1280	am	451.235	n
1290	am	451.240	n
1320	am	451.240	n
1420	am	451.240	n
1430	am	451.240	n
1440	am	451.240	n
1630	am	451.250	n
1640	am	451.250	n
1730	am	451.260	n
1735	n	451.260	n
1Ap.A	am	451.270	n
1Ap.B	am	451.270	n
25.90	am	451.280	n
25.705	am	451.290	n
25.717	n	451.300	n
25.730	am	451.310	n
25.732	n	451.320	r
25.750	am	451.330	r
25.755	am	451.340	r
		451.350	r
		451.360	r
		451.370	r
		451.380	r
		451.390	r
		451.400	n
		451.410	n
		451.420	n
		451.430	n
		451.440	r
		451.450	r
		451.460	r
		451.470	r
		451.480	r
		451.490	r
		451.500	n
		451.510	n
		451.520	n
		451.530	n
		451.540	n
		451.550	n
		451.560	n
		451.570	n
		451.580	n
		451.590	n
		500.10	am
		500.20	am
		500.80	am
		500.90	am
		1000.10	am
		1000.30	am
		1000.40	am
		1000.60	am
		1010.25	n
		1010.30	am
		1010.40	r
		1020.10	am
		1020.30	am
		1020.50	am
		1020.60	am
		1020.80	am
		1025.20	am
		1025.50	am
		1036.10	n
		1036.20	n
		1036.30	n
		1036.40	n
		1036.50	n
		1036.60	n
		1037.10	n
		1037.20	n
		1037.30	n
		1037.50	n
		1037.60	n
		1037.70	n
		1501.111	am
		1501.302	am
		1501.303	am
		1501.308	am

[illegible]

VOL. 14, ISSUE #35		ILLINOIS REGISTER		AUGUST 31, 1990		SECTIONS AFFECTED INDEX		TITLE 35 (CONT'D)		VOL. 14, ISSUE #35		ILLINOIS REGISTER		AUGUST 31, 1990		SECTIONS AFFECTED INDEX		TITLE 35 (CONT'D)		VOL. 14, ISSUE #35		ILLINOIS REGISTER		AUGUST 31, 1990			
302.615	n	(P-14172/89; O-2120; R-2960; A-2899)	366.301	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	703.121	am	(P-125; A-6278)	730.103	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)	302.618	n	(P-14172/89; O-2120; R-2960; A-2899)	366.303	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	703.108	am	(P-125; A-6278)	730.108	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.618	n	(P-14172/89; O-2120; R-2960; A-2899)	366.304	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	703.155	am	(P-125; A-6278)	730.111	am	(P-125; A-6278)	(P-125; A-6278)	302.621	n	(P-14172/89; O-2120; R-2960; A-2899)	366.305	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	730.161	am	(P-125; A-6278)	730.161	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.621	n	(P-14172/89; O-2120; R-2960; A-2899)	366.306	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	703.183	am	(P-125; A-6278)	730.162	n	(P-125; A-6278)	(P-125; A-6278)	302.627	n	(P-14172/89; O-2120; R-2960; A-2899)	366.307	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	730.163	n	(P-125; A-6278)	730.163	n	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.627	n	(P-14172/89; O-2120; R-2960; A-2899)	366.401	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	703.225	am	(P-125; A-6278)	730.164	n	(P-125; A-6278)	(P-125; A-6278)	302.630	n	(P-14172/89; O-2120; R-2960; A-2899)	366.402	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	730.166	n	(P-125; A-6278)	730.166	n	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.630	n	(P-14172/89; O-2120; R-2960; A-2899)	366.403	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	703.240	am	(P-125; A-6278)	730.167	n	(P-125; A-6278)	(P-125; A-6278)	302.633	n	(P-14172/89; O-2120; R-2960; A-2899)	366.404	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	730.168	n	(P-125; A-6278)	730.168	n	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.633	n	(P-14172/89; O-2120; R-2960; A-2899)	366.501	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	703.260	am	(P-125; A-6278)	730.169	n	(P-125; A-6278)	(P-125; A-6278)	302.642	n	(P-14172/89; O-2120; R-2960; A-2899)	366.502	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	730.170	n	(P-125; A-6278)	730.170	n	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.642	n	(P-14172/89; O-2120; R-2960; A-2899)	366.503	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	703.263	am	(P-125; A-6278)	730.171	n	(P-125; A-6278)	(P-125; A-6278)	302.645	n	(P-14172/89; O-2120; R-2960; A-2899)	366.504	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	730.172	n	(P-125; A-6278)	730.172	n	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.645	n	(P-14172/89; O-2120; R-2960; A-2899)	366.505	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	703.264	am	(P-125; A-6278)	730.173	n	(P-125; A-6278)	(P-125; A-6278)	302.648	n	(P-14172/89; O-2120; R-2960; A-2899)	366.506	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	730.174	n	(P-125; A-6278)	730.174	n	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.648	n	(P-14172/89; O-2120; R-2960; A-2899)	366.601	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	703.191	am	(P-72; A-6225)	731.192	am	(P-72; A-6225)	(P-72; A-6225)	302.651	n	(P-14172/89; O-2120; R-2960; A-2899)	366.602	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	731.193	am	(P-72; A-6225)	731.193	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.651	n	(P-14172/89; O-2120; R-2960; A-2899)	366.603	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	720.111	am	(P-3075; A-3006)	731.197	am	(P-3075; A-3006)	(P-3075; A-3006)	302.654	n	(P-14172/89; O-2120; R-2960; A-2899)	366.604	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	731.199	am	(P-3075; A-3006)	731.199	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.657	n	(P-14172/89; O-2120; R-2960; A-2899)	366.605	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	720.110	am	(P-72; A-6225)	731.192	am	(P-72; A-6225)	(P-72; A-6225)	302.657	n	(P-14172/89; O-2120; R-2960; A-2899)	366.606	n	(P-19850/89; A-8121)	(P-19850/89; A-8121)	731.200	am	(P-72; A-6225)	731.200	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.658	n	(P-14172/89; O-2120; R-2960; A-2899)	601.105	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.120	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.658	n	(P-14172/89; O-2120; R-2960; A-2899)	601.106	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.203	am	(P-13925)	731.203	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.660	n	(P-14172/89; O-2120; R-2960; A-2899)	601.107	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.122	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.663	n	(P-14172/89; O-2120; R-2960; A-2899)	601.108	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.205	am	(P-13925)	731.205	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.663	n	(P-14172/89; O-2120; R-2960; A-2899)	601.109	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.124	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.666	n	(P-14172/89; O-2120; R-2960; A-2899)	601.110	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.207	am	(P-13925)	731.207	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.666	n	(P-14172/89; O-2120; R-2960; A-2899)	601.111	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.126	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.669	n	(P-14172/89; O-2120; R-2960; A-2899)	601.112	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.209	am	(P-13925)	731.209	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.672	n	(P-14172/89; O-2120; R-2960; A-2899)	601.113	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.128	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.675	n	(P-14172/89; O-2120; R-2960; A-2899)	601.114	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.211	am	(P-13925)	731.211	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.675	n	(P-14172/89; O-2120; R-2960; A-2899)	601.115	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.130	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.678	n	(P-14172/89; O-2120; R-2960; A-2899)	601.116	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.213	am	(P-13925)	731.213	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.682	n	(P-14172/89; O-2120; R-2960; A-2899)	601.117	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.132	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.685	n	(P-14172/89; O-2120; R-2960; A-2899)	601.118	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.215	am	(P-13925)	731.215	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.685	n	(P-14172/89; O-2120; R-2960; A-2899)	601.119	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.134	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.688	n	(P-14172/89; O-2120; R-2960; A-2899)	601.120	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.217	am	(P-13925)	731.217	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.692	n	(P-14172/89; O-2120; R-2960; A-2899)	601.121	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.136	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.695	n	(P-14172/89; O-2120; R-2960; A-2899)	601.122	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.219	am	(P-13925)	731.219	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.695	n	(P-14172/89; O-2120; R-2960; A-2899)	601.123	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.138	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.698	n	(P-14172/89; O-2120; R-2960; A-2899)	601.124	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.221	am	(P-13925)	731.221	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.702	n	(P-14172/89; O-2120; R-2960; A-2899)	601.125	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.140	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.705	n	(P-14172/89; O-2120; R-2960; A-2899)	601.126	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.223	am	(P-13925)	731.223	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.705	n	(P-14172/89; O-2120; R-2960; A-2899)	601.127	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.142	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.708	n	(P-14172/89; O-2120; R-2960; A-2899)	601.128	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.225	am	(P-13925)	731.225	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.712	n	(P-14172/89; O-2120; R-2960; A-2899)	601.129	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.144	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.715	n	(P-14172/89; O-2120; R-2960; A-2899)	601.130	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.227	am	(P-13925)	731.227	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.715	n	(P-14172/89; O-2120; R-2960; A-2899)	601.131	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.146	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.718	n	(P-14172/89; O-2120; R-2960; A-2899)	601.132	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.229	am	(P-13925)	731.229	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.722	n	(P-14172/89; O-2120; R-2960; A-2899)	601.133	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.148	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.725	n	(P-14172/89; O-2120; R-2960; A-2899)	601.134	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.231	am	(P-13925)	731.231	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.725	n	(P-14172/89; O-2120; R-2960; A-2899)	601.135	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.150	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.728	n	(P-14172/89; O-2120; R-2960; A-2899)	601.136	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.233	am	(P-13925)	731.233	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.732	n	(P-14172/89; O-2120; R-2960; A-2899)	601.137	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.152	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.735	n	(P-14172/89; O-2120; R-2960; A-2899)	601.138	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.235	am	(P-13925)	731.235	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.735	n	(P-14172/89; O-2120; R-2960; A-2899)	601.139	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.154	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.738	n	(P-14172/89; O-2120; R-2960; A-2899)	601.140	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.237	am	(P-13925)	731.237	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.738	n	(P-14172/89; O-2120; R-2960; A-2899)	601.141	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.156	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.741	n	(P-14172/89; O-2120; R-2960; A-2899)	601.142	am	(P-262/89; A-1379)	(P-262/89; A-1379)	731.239	am	(P-13925)	731.239	am	(P-18139/89; A-3130)	(P-18139/89; A-3130)
302.741	n	(P-14172/89; O-2120; R-2960; A-2899)	601.143	am	(P-262/89; A-1379)	(P-262/89; A-1379)	720.158	am	(P-13925)	731.197	am	(P-13925)	(P-13925)	302.744													

VOL. 14, ISSUE #35			ILLINOIS REGISTER			SECTIONS AFFECTED INDEX			AUGUST 31, 1990		
TITLE 35 (CONT'D)			TITLE 41 (CONT'D)			TITLE 44			TITLE 47		
870.307	am	(P-8809)	140.325	am	(P-4781)	100.10	am	(P-17589/89; A-13440)	350.101	n	(P-5653; A-14021) (E-5827)
870.309	am	(P-8809)	140.390	am	(P-4781)	100.110	am	(P-17589/89; A-13440)	350.101	n	(P-5653; A-14021) (E-5827)
870.310	am	(P-8809)	170.310	am	(P-12373)	5010.610	am	(P-17589/89; A-13440)	350.102	n	(P-5653; A-14021) (E-5827)
871.101	am	(P-8429)	170.670	am	(P-63; A-5781)	5010.660	am	(P-17589/89; A-13440)	350.102	n	(P-5653; A-14021) (E-5827)
871.102	am	(P-8429)	250.10	n	(P-5322)	5010.670	am	(P-17589/89; A-13440)	350.103	n	(P-5653; A-14021) (E-5827)
871.201	am	(P-8429)	250.20	n	(P-5322)	5010.710	am	(P-17589/89; A-13440)	350.103	n	(P-5653; A-14021) (E-5827)
871.301	am	(P-8429)	250.25	n	(P-5322)	5010.720	am	(P-17589/89; A-13440)	350.104	n	(P-5653; A-14021) (E-5827)
871.303	am	(P-8429)	250.30	n	(P-5322)	5010.730	am	(P-17589/89; A-13440)	350.104	n	(P-5653; A-14021) (E-5827)
871.305	am	(P-8429)	250.40	n	(P-5322)	5010.740	am	(P-17589/89; A-13440)	350.201	n	(P-5653; A-14021) (E-5827)
871.402	am	(P-8429)	250.50	n	(P-5322)	5010.1140	am	(P-17589/89; A-13440)	350.201	n	(P-5653; A-14021) (E-5827)
871.503	am	(P-8429)	250.55	n	(P-5322)	5030.110	am	(P-10983) (E-11351)	350.202	n	(P-5653; A-14021) (E-5827)
			250.60	n	(P-5322)	5030.120	am	(P-10983) (E-11351)	350.202	n	(P-5653; A-14021) (E-5827)
			250.70	n	(P-5322)	5030.130	am	(P-10983) (E-11351)	350.203	n	(P-5653; A-14021) (E-5827)
			250.80	n	(P-5322)				350.203	n	(P-5653; A-14021) (E-5827)
			250.82	n	(P-5322)				350.204	n	(P-5653; A-14021) (E-5827)
			250.83	n	(P-5322)				350.204	n	(P-5653; A-14021) (E-5827)
			250.85	n	(P-5322)				350.205	n	(P-5653; A-14021) (E-5827)
			250.90	n	(P-5322)				350.205	n	(P-5653; A-14021) (E-5827)
			250.93	n	(P-5322)				350.206	n	(P-5653; A-14021) (E-5827)
			250.95	n	(P-5322)				350.206	n	(P-5653; A-14021) (E-5827)
			250.97	n	(P-5322)				350.207	n	(P-5653; A-14021) (E-5827)
			250.201	n	(P-5322)				350.207	n	(P-5653; A-14021) (E-5827)
			250.210	n	(P-5322)				350.208	n	(P-5653; A-14021) (E-5827)
			250.213	n	(P-5322)				350.208	n	(P-5653; A-14021) (E-5827)
			250.215	n	(P-5322)				350.209	n	(P-5653; A-14021) (E-5827)
			250.216	n	(P-5322)				350.209	n	(P-5653; A-14021) (E-5827)
			250.220	n	(P-5322)				350.210	n	(P-5653; A-14021) (E-5827)
			250.225	n	(P-5322)				350.211	n	(P-5653; A-14021) (E-5827)
			250.230	n	(P-5322)				350.212	n	(P-5653; A-14021) (E-5827)
			250.232	n	(P-5322)				360.101	n	(P-1726; A-9117) (E-2094)
			250.233	n	(P-5322)				360.102	n	(P-1726; A-9117) (E-2094)
			250.235	n	(P-5322)				360.103	n	(P-1726; A-9117) (E-2094)
			250.245	n	(P-5322)				360.104	n	(P-1726; A-9117) (E-2094)
			250.250	n	(P-5322)				360.105	n	(P-1726; A-9117) (E-2094)
			250.252	n	(P-5322)				360.106	n	(P-1726; A-9117) (E-2094)
			250.256	n	(P-5322)				360.107	n	(P-1726; A-9117) (E-2094)
			250.260	n	(P-5322)				360.108	n	(P-1726; A-9117) (E-2094)
			250.270	n	(P-5322)				360.109	n	(P-1726; A-9117) (E-2094)
			250.280	n	(P-5322)				360.110	n	(P-1726; A-9117) (E-2094)
			250.290	n	(P-5322)				360.111	n	(P-1726; A-9117) (E-2094)
			250.301	n	(P-5322)				360.112	n	(P-1726; A-9117) (E-2094)
			250.310	n	(P-5322)				360.113	n	(P-1726; A-9117) (E-2094)
			250.315	n	(P-5322)				360.114	n	(P-1726; A-9117) (E-2094)
			250.320	n	(P-5322)				360.201	n	(P-1726; A-9117) (E-2094)
			250.330	n	(P-5322)				360.202	n	(P-1726; A-9117) (E-2094)
			250.340	n	(P-5322)				360.203	n	(P-1726; A-9117) (E-2094)
			250.341	n	(P-5322)				360.301	n	(P-1726; A-9117) (E-2094)
			250.343	n	(P-5322)				360.302	n	(P-1726; A-9117) (E-2094)
			250.344	n	(P-5322)				360.303	n	(P-1726; A-9117) (E-2094)
			250.345	n	(P-5322)				360.304	n	(P-1726; A-9117) (E-2094)
			250.356	n	(P-5322)				360.305	n	(P-1726; A-9117) (E-2094)
			250.358	n	(P-5322)				360.306	n	(P-1726; A-9117) (E-2094)
			250.360	n	(P-5322)				360.307	n	(P-1726; A-9117) (E-2094)
			250.370	n	(P-5322)				360.308	n	(P-1726; A-9117) (E-2094)
			250.380	n	(P-5322)				360.309	n	(P-1726; A-9117) (E-2094)
			250.390	n	(P-5322)				360.310	n	(P-1726; A-9117) (E-2094)
			250.390	n	(P-5322)				360.401	n	(P-1726; A-9117) (E-2094)
			250.390	n	(P-5322)				360.402	n	(P-1726; A-9117) (E-2094)
			250.390	n	(P-5322)				360.501	n	(P-1726; A-9117) (E-2094)
			251.10	n	(P-5322)				360.502	n	(P-1726; A-9117) (E-2094)
			251.20	n	(P-5322)				360.503	n	(P-1726; A-9117) (E-2094)
			251.30	n	(P-5322)				360.504	n	(P-1726; A-9117) (E-2094)
			251.40	n	(P-5322)				360.505	n	(P-1726; A-9117) (E-2094)
			251.50	n	(P-5322)				360.506	n	(P-1726; A-9117) (E-2094)
			251.60	n	(P-5322)						
			251.70	n	(P-5322)						

TITLE 50 (CONT'D)

8100.401	n	(P-16; A-8600) (E-305)	8100.2118	n	(P-16; A-8600)
8100.402	n	(P-16; A-8600) (E-305)	8100.2122	n	(P-16; A-8600)
8100.403	n	(P-16; A-8600) (E-305)	8100.2124	n	(P-16; A-8600)
8100.600	n	(P-16; O-8209; R-8219; W-8205)	8100.2128	n	(P-16; A-8600)
8100.900	n	(P-16; A-8600) (E-305)	8100.2130	n	(P-16; A-8600)
8100.905	n	(P-16; C-1049; A-8600) (E-305)	8100.2132	n	(P-16; A-8600)
8100.1000	n	(P-16; A-8600)	8100.2134	n	(P-16; A-8600)
8100.1005	n	(P-16; A-8600) (E-305)	8100.2136	n	(P-16; A-8600)
8100.1100	n	(P-16; A-8600) (E-305)	8100.2138	n	(P-16; A-8600)
8100.1200	n	(P-16; A-8600) (E-305)	8100.2140	n	(P-16; A-8600)
8100.1300	n	(P-16; A-8600) (E-305)	8100.2142	n	(P-16; A-8600)
8100.1500	n	(P-16; A-8600) (E-305)	8100.2144	n	(P-16; A-8600)
8100.1505	n	(P-16; A-8600) (E-305)	8100.2146	n	(P-16; A-8600)
8100.1510	n	(P-16; A-8600) (E-305)	8100.2148	n	(P-16; A-8600)
8100.1515	n	(P-16; A-8600) (E-305)	8100.2150	n	(P-16; A-8600)
8100.1600	n	(P-16; A-8600) (E-305)	8100.2152	n	(P-16; A-8600)
8100.1700	n	(P-16; A-8600) (E-305)	8100.2160	n	(P-16; M-8205; A-8600; F-13031)
8100.1701	n	(P-16; C-1049; A-8600) (E-305)	8100.2400	n	(P-16; M-8205; A-8600)
8100.1702	n	(P-16; A-8600) (E-305)	8100.2402	n	(A-8600)
8100.1703	n	(E-305) (P-16; C-1049; A-8600)	8100.2405	n	(P-16; A-8600) (E-305)
8100.1704	n	(P-16; A-8600) (E-305)	8100.3000	n	(P-16; A-8600)
8100.1705	n	(P-16; C-1049; A-8600)			
8100.1706	n	(P-16; A-8600)			
8100.1708	n	(P-16; A-8600)			
8100.1710	n	(P-16; A-8600)			
8100.1712	n	(P-16; A-8600)			
8100.1714	n	(P-16; A-8600)			
8100.1716	n	(P-16; A-8600) (E-305)			
8100.1718	n	(P-16; A-8600) (E-305)			
8100.1720	n	(P-16; A-8600) (E-305)			
8100.1722	n	(P-16; C-1049; A-8600) (E-305)			
8100.1724	n	(P-16; A-8600) (E-305)			
8100.1726	n	(P-16; A-8600) (E-305)			
8100.1728	n	(P-16; A-8600) (E-305)			
8100.1730	n	(P-16; A-8600) (E-305)			
8100.1732	n	(P-16; A-8600) (E-305)			
8100.1734	n	(P-16; A-8600) (E-305)			
8100.1736	n	(P-16; C-1049; A-8600)			
8100.1738	n	(P-16; A-8600) (E-305)			
8100.1740	n	(P-16; A-8600) (E-305)			
8100.1742	n	(P-16; A-8600) (E-305)			
8100.1744	n	(P-16; A-8600) (E-305)			
8100.1746	n	(P-16; A-8600) (E-305)			
8100.1748	n	(P-16; A-8600) (E-305)			
8100.1750	n	(P-16; A-8600) (E-305)			
8100.1752	n	(P-16; C-1049)			
8100.1754	n	(P-16; C-1049)			
8100.1756	n	(P-16; C-1049)			
8100.1758	n	(P-16; C-1049)			
8100.1810	n	(P-16; W-8205) (E-305)			
8100.2010	n	(P-16; A-8600) (E-305)			
8100.2100	n	(P-16; A-8600)			
8100.2102	n	(P-16; A-8600)			
8100.2104	n	(P-16; A-8600)			
8100.2106	n	(P-16; A-8600)			
8100.2108	n	(P-16; A-8600)			
8100.2110	n	(P-16; A-8600)			
8100.2112	n	(P-16; A-8600)			
8100.2114	n	(P-16; A-8600)			
8100.2116	n	(P-16; A-8600)			

TITLE 56

100.5	#	(P-536; O-10126; A-13608)
100.5	am	(E-1026)
100.10	am	(P-536; O-10126; A-13608)
100.20	#	(P-536; O-10126; A-13608)
100.22	n	(P-536; O-10126; M-13866; A-13608) (E-1026)
100.24	n	(P-536; O-10126; M-13866; A-13608) (E-1026)
100.26	n	(P-536; O-10126; A-13608)
100.30	am	(E-1026)
100.60	am	(P-536; O-10126; A-13608)
100.100	am	(P-536; O-10126; A-13608)
100.120	am	(E-1026)
350.20	am	(P-5839/89; O-4750; W-4740)
350.195	am	(P-3345)
350.280	am	(P-3345) (P-5839/89; O-4750; W-4740)
350.300	n	(P-5839/89; O-4750; W-4740)
350.310	n	(P-5839/89; O-4750; W-4740)
350.320	n	(P-5839/89; O-4750; W-4740)
350.330	n	(P-5839/89; O-4750; W-4740)
350.340	n	(P-5839/89; O-4750; W-4740)
350.350	n	(P-5839/89; O-4750; W-4740)
350.360	n	(P-5839/89; O-4750; W-4740)
350.370	n	(P-5839/89; O-4750; W-4740)
350.380	n	(P-5839/89; O-4750; W-4740)
350.390	n	(P-5839/89; O-4750; W-4740)

TITLE 56 (CONT'D)

350.400	n	(P-5839/89; O-4750; W-4740)	2830.330	n	(P-2423; A-9101)
350.410	n	(P-5839/89; O-4750; W-4740)	2830.335	n	(P-2423; A-9101)
350.420	n	(P-5839/89; O-4750; W-4740)	2830.340	n	(P-2423; A-9101)
350.430	n	(P-5839/89; O-4750; W-4740)	2865.1	n	(P-10215)
350.440	n	(P-5839/89; O-4750; W-4740)	2865.100	n	(P-10215)
350.450	n	(P-5839/89; O-4750; W-4740)	2865.105	n	(P-10215)
2610.60	am	(P-5839/89; O-4750; W-4740)	2865.110	n	(P-10215)
2610.100	am	(P-5017/89; A-1976)	2865.115	n	(P-10215)
2610.130	am	(P-13074)	2865.120	n	(P-10215)
2610.150	n	(P-13074)	2865.125	n	(P-10215)
2610.Ap-A	am	(P-5017/89; A-1976)	2865.130	n	(P-10215)
2625.10	n	(P-13045)	2865.135	n	(P-10215)
2625.30	am	(P-13045)	2865.140	n	(P-10215)
2625.40	am	(P-13045)	2865.205	n	(P-10215)
2625.50	am	(P-13045)	2865.210	n	(P-10215)
2625.60	n	(P-13045)	2865.215	n	(P-10215)
2625.70	n	(P-13045)	2920.40	am	(P-13905)
2625.80	n	(P-13045)	6000.10	am	(P-2989)
2630.82	am	(P-5310; A-13984)	6000.280	am	(E-3235; O-5905) (P-2989)
2630.103	r	(P-5310; A-13984)	6000.330	n	(P-2989)
2630.112	am	(P-7312)			
2650.10	am	(P-15977/89; A-5075)			
2650.20	am	(P-15977/89; A-5075)			
2650.30	am	(P-15977/89; A-5075)			
2650.40	am	(P-15977/89; A-5075)			
2650.50	am	(P-15977/89; A-5075)			
2650.110	am	(P-15977/89; A-5075)			
2650.130	am	(P-15977/89; A-5075)			
2650.140	am	(P-15977/89; A-5075)			
2650.210	n	(P-15977/89; A-5075)			
2650.220	n	(P-15977/89; A-5075)			
2650.230	n	(P-15977/89; A-5075)			
2650.240	n	(P-15977/89; A-5075)			
2650.250	n	(P-15977/89; A-5075)			
2720.125	r	(P-10237)			
2720.126	r	(P-10237)			
2720.127	r	(P-10237)			
2720.128	r	(P-10237)			
2720.129	r	(P-10237)			
2720.225	am	(P-7686)			
2725.100	am	(P-1984/89; A-5126)			
2732.200	n	(P-12748/89; O-20398/89; R-1047; A-673)			
2765.18	n	(P-13118)			
2765.50	am	(P-1101; A-6218)			
2765.66	n	(P-1101; A-6218)			
2765.210	n	(P-13118)			
2765.325	am	(P-13910)			
2770.110	am	(P-15543/89; A-2038)			
2770.150	r	(P-12364)			
2770.155	r	(P-12364)			
2770.160	r	(P-12364)			
2770.165	r	(P-12364)			
2770.170	r	(P-12364)			
2830.10	n	(P-2423; A-9101)			
2830.300	n	(P-2423; A-9101)			
2830.305	n	(P-2423; A-9101)			
2830.310	n	(P-2423; A-9101)			
2830.315	n	(P-2423; A-9101)			
2830.320	n	(P-2423; A-9101)			
2830.325	n	(P-2423; A-9101)			

TITLE 59

102.10	am	(P-2432)
102.30	am	(P-2432)
115.100	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.110	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.120	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.200	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.210	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.215	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.220	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.230	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.240	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.250	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.300	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.310	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.320	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.400	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.410	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.420	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.430	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.440	n	(P-15183/89; RC-10145; RC-10128; A-10865)
115.450	n	(P-15183/89; RC-10145; RC-10128; A-10865)

TITLE 77 (CONT'D)					
330.3020	am	(P-2210)	535.400	am	(P-1755)
330.3030	am	(P-2210)	535.410	am	(P-1755)
330.3030	am	(P-9833)	535.420	am	(P-1755)
330.3220	am	(P-2210)	535.430	am	(P-1755)
330.3230	am	(P-2210)	535.432	n	(P-1755)
330.3240	am	(P-9833)	535.440	am	(P-1755)
330.3260	am	(P-9833)	535.450	r	(P-1755)
330.3710	am	(P-9833)	535.500	am	(P-1755)
330.3720	am	(P-9833)	535.510	am	(P-1755)
330.3730	am	(P-9833)	535.520	am	(P-1755)
330.3750	am	(P-9833)	535.530	am	(P-1755)
330.3770	am	(P-9833)	535.532	n	(P-1755)
330.3780	am	(P-9833)	535.540	am	(P-1755)
330.3810	am	(P-9833)	535.550	r	(P-1755)
330.3880	am	(P-9833)	535.650	am	(P-1755)
330.3900	am	(P-9833)	535.750	am	(P-1755; RC-13025)
330.3940	am	(P-9833)	535.900	am	(P-1755)
330.4010	am	(P-9833)	535.920	am	(P-1755)
330.46.D	am	(P-9833)	540.35	am	(P-13424) (E-13856)
330.46.E	am	(P-9833)	540.65	n	(P-10665)
330.330	am	(P-9883)	540.90	n	(P-10665)
330.1030	am	(P-9883)	540.100	am	(P-10665)
330.1920	am	(P-2237)	540.200	am	(P-10665)
330.2010	am	(P-2237)	540.210	n	(P-13424) (E-13856)
330.2030	am	(P-2237)	550.100	n	(P-10656)
330.2220	am	(P-2237)	550.110	n	(P-10656)
330.2720	am	(P-2237)	550.120	n	(P-10656)
330.2730	am	(P-2237)	550.130	n	(P-10656)
330.2990	am	(P-2237)	590.10	r	(P-8493)
330.3020	am	(P-2237)	590.10	n	(P-8503)
330.3030	am	(P-2237)	590.20	r	(P-8493)
330.3220	am	(P-9883)	590.20	n	(P-8503)
330.3240	am	(P-9883)	590.30	r	(P-8493)
330.3260	am	(P-9883)	590.30	r	(P-8493)
400.100	n	(P-10648)	590.30	n	(P-8503)
400.110	n	(P-10648)	590.40	n	(P-8503)
400.120	n	(P-10648)	590.50	r	(P-8493)
400.130	n	(P-10648)	590.100	r	(P-8493)
450.20	am	(P-14280/89; A-2360)	590.100	n	(P-8503)
450.Ap.A	r	(P-14280/89; A-2360)	590.110	n	(P-8493)
450.Ap.B	r	(P-14280/89; A-2360)	590.110	n	(P-8503)
510.40	am	(P-11119)	590.120	n	(P-8493)
510.50	r	(P-11119)	590.120	n	(P-8503)
510.70	am	(P-11119)	590.130	n	(P-8493)
510.100	am	(P-11119)	590.130	n	(P-8503)
510.110	am	(P-11119)	590.140	r	(P-8493)
510.130	am	(P-11119)	590.140	n	(P-8503)
535.10	am	(P-1755)	590.200	n	(P-8503)
535.20	am	(P-1755)	590.210	n	(P-8503)
535.100	am	(P-1755)	590.220	n	(P-8503)
535.110	am	(P-1755)	590.230	n	(P-8503)
535.120	am	(P-1755)	590.240	n	(P-8503)
535.150	am	(P-1755)	590.300	n	(E-8725; O-13042) (P-8503)
535.200	am	(P-1755)	590.310	n	(E-8725; O-13042) (P-8503)
535.210	am	(P-1755)	590.320	n	(E-8725; O-13042) (P-8503)
535.265	am	(P-1755)	590.330	n	(E-8725; O-13042) (P-8503)
535.300	am	(P-1755)	590.400	n	(E-8725; O-13042) (P-8503)
535.310	am	(P-1755)	590.410	n	(E-8725; O-13042) (P-8503)
535.320	am	(P-1755)	590.420	n	(E-8725; O-13042) (P-8503)
535.330	am	(P-1755)	590.Ap.A	n	(P-8503)
535.335	n	(P-1755)	590.Ap.B	n	(P-8503)
535.350	r	(P-1755)	590.Ap.C	n	(P-8503)

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[illegible]

TITLE 77 (CONT'D)

790.4220	am	(P-4437; A-11988) (E-4620)	790.6275	am	(E-9556) (P-9357)
790.4384	n	(P-4437; A-11988) (E-4620)	790.6277	am	(E-9556) (P-9357)
790.4396	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620) (E-9556) (P-9357)	790.6340	am	(P-16910/89; A-3184)
			790.6370	am	(P-9357)
790.4420	am	(E-9556) (P-9357)	790.6435	am	(P-1220; A-8154) (E-1505)
790.4430	am	(P-4437; A-11988) (E-4620)	790.6450	am	(E-9556) (P-9357)
790.4460	am	(E-9556) (P-9357)	790.6452	am	(P-16910/89; A-3184)
790.4580	am	(P-4437; A-11988) (E-4620)	790.6456	am	(P-16910/89; A-3184)
790.4600	am	(P-4437; A-11988) (E-4620)	790.6460	am	(E-9556) (P-9357)
790.4665	am	(P-4437; A-11988) (E-4620)	790.6500	am	(E-9556) (P-9357)
790.4667	n	(P-16910/89; A-3184)	790.6540	am	(E-9556) (P-9357)
790.4667	am	(P-4437; A-11988) (E-4620)	790.6570	am	(P-4437; A-11988) (E-4620)
790.4670	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620)	790.6580	am	(P-4437; A-11988) (E-4620)
790.4680	am	(P-11988) (E-4620)	790.6610	am	(P-13133) (E-13325)
790.4700	am	(P-16910/89; A-3184)	790.6620	am	(P-4437; A-11988) (E-4620)
790.4720	am	(P-4437; A-11988) (E-4620)	790.6621	r	(P-4437; A-11988) (E-4620)
790.4725	n	(P-1220; A-8154) (E-1505)	790.6670	am	(E-13325)
790.4740	n	(P-4437; A-11988) (E-4620)	790.6780	am	(P-4437; A-11988) (E-4620)
790.4740	am	(P-4437; A-11988) (E-4620)	790.6820	am	(P-4437; A-11988) (E-4620)
		(P-16910/89; A-3184) (E-9556) (P-9357)	790.6875	am	(P-1220; A-8154) (E-1505)
790.4860	am	(E-9556) (P-9357)	790.6895	am	(P-13133) (E-13325)
790.4940	am	(E-9556) (P-9357)	790.6940	am	(P-13133) (E-13325)
790.5020	am	(P-4437; A-11988) (E-4620)	790.6980	am	(P-4437; A-11988) (E-4620)
790.5060	am	(P-4437; A-11988) (E-4620)	790.7100	am	(P-4437; A-11988) (E-4620)
790.5100	am	(E-9556) (P-9357)	790.7120	am	(P-4437; A-11988) (E-4620)
790.5140	am	(P-4437; A-11988) (E-4620)	790.7130	am	(P-13133) (E-13325)
		(E-9556) (P-9357)	790.7140	am	(P-4437; A-11988) (E-4620)
790.5180	am	(E-9556) (P-9357)	790.7160	n	(P-4437; A-11988) (E-4620)
790.5220	am	(P-1220; A-8154) (E-1505)	790.7180	am	(P-4437; A-11988) (E-4620)
790.5300	am	(P-4437; A-11988) (E-4620)	790.7229	am	(P-13133) (E-13325)
		(E-9556) (P-9357)	790.7260	am	(P-4437; A-11988) (E-4620)
790.5312	am	(P-1220; A-8154) (E-1505)	790.7265	am	(E-9556) (P-9357)
790.5320	am	(E-13325)	790.7278	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620)
790.5340	am	(P-4437; A-11988) (E-4620)	790.7278	am	(E-9556) (P-9357)
790.5420	am	(P-4437; A-11988) (E-4620)	790.7280	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620) (E-9556) (P-9357)
790.5500	am	(E-9556) (P-9357)			
790.5560	am	(P-4437; A-11988) (E-4620)	790.7284	am	(P-4437; A-11988) (E-4620)
790.5620	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620) (E-9556) (P-9357)	790.7340	am	(P-16910/89; A-3184) (E-9556) (P-9357)
790.5720	am	(P-16910/89; A-3184)	790.7380	am	(E-9556) (P-9357)
790.5740	am	(P-4437; A-11988) (E-4620)	790.7400	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620) (E-9556) (P-9357)
790.5792	am	(P-13133) (E-13325)			
790.5820	am	(P-4437; A-11988) (E-4620)			
		(E-9556) (P-9357)	790.7500	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620) (E-9556) (P-9357)
790.5830	am	(P-1220; A-8154) (E-1505)			
790.5837	r	(P-1220; A-8154) (E-1505)			
790.5860	am	(P-4437; A-11988) (E-4620)	790.7540	am	(P-4437; A-11988) (E-4620)
790.5872	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620)	790.7700	am	(E-9556) (P-9357)
790.5900	am	(P-4437; A-11988) (E-4620)	790.7740	am	(P-4437; A-11988) (E-4620)
		(E-9556) (P-9357)	790.7820	am	(P-4437; A-11988) (E-4620)
790.5940	am	(P-4437; A-11988) (E-4620)	790.7828	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620)
		(P-13133) (E-13325)			
790.6140	am	(P-4437; A-11988) (E-4620)	790.7834	am	(P-4437; A-11988) (E-4620)
790.6180	am	(P-4437; A-11988) (E-4620)	790.7860	am	(P-4437; A-11988) (E-4620)

TITLE 77 (CONT'D)

790.7940	am	(E-9556) (P-9357)	800.1020	am	(P-17707/89; A-12663)
790.8015	am	(P-4437; A-11988) (E-4620)	800.1200	am	(P-17707/89; A-12663)
790.8020	am	(P-4437; A-11988) (E-4620)	800.1300	am	(P-17707/89; A-12663)
		(E-9556) (P-9357)	800.1600	n	(P-17707/89; A-12663)
790.8060	am	(P-4437; A-11988) (E-4620)	800.1600	am	(P-12395/89; A-786)
790.8136	am	(P-4437; A-11988) (E-4620)	820.210	am	(P-571; A-12889)
		(E-9556) (P-9357)	830.10	am	(P-571; A-12889) (E-1036)
790.8180	am	(E-9556) (P-9357) (P-13133)	830.20	n	(P-571; A-12889) (E-1036)
		(E-13325)	830.885	n	(P-571; A-12889) (E-1036)
790.8232	n	(E-9556) (P-9357)	830.890	n	(P-571; A-12889) (E-1036)
790.8248	am	(P-4437; A-11988) (E-4620)	830.900	am	(P-15284/89; A-5495)
790.8290	am	(P-4437; A-11988) (E-4620)	840.5	am	(P-15284/89; A-5495)
790.8300	am	(P-4437; A-11988) (E-4620)	840.10	am	(P-15284/89; A-5495)
790.8378	am	(P-4437; A-11988) (E-4620)	840.20	am	(P-15284/89; A-5495)
790.8420	am	(P-16910/89; A-3184) (E-9556) (P-9357)	840.30	am	(P-15284/89; A-5495)
			840.50	am	(P-15284/89; A-5495)
790.8460	am	(P-4437; A-11988) (E-4620)	840.60	n	(P-15284/89; A-5495)
790.8540	am	(P-4437; A-11988) (E-4620)	840.110	am	(P-15284/89; A-5495)
790.8660	am	(P-4437; A-11988) (E-4620)	840.115	am	(P-15284/89; A-5495)
790.8700	am	(P-4437; A-11988) (E-4620)	840.120	am	(P-15284/89; A-5495)
790.8710	n	(E-9556) (P-9357)	840.200	am	(P-15284/89; A-5495)
790.8900	am	(P-1220; A-8154) (E-1505)	840.210	am	(P-15284/89; A-5495)
		(P-4437; A-11988) (E-4620)	840.215	am	(P-15284/89; A-5495)
790.8940	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620) (P-13133) (E-13325)	840.300	n	(P-15284/89; A-5495)
			840.305	n	(P-15284/89; A-5495)
790.8980	am	(E-9556) (P-9357)	840.310	n	(P-15284/89; A-5495)
790.9020	am	(P-4437; A-11988) (E-4620)	840.310	n	(P-15284/89; A-5495)
790.9045	am	(P-4437; A-11988) (E-4620)	840.310	n	(P-15284/89; A-5495)
790.9048	am	(P-1220; A-8154) (E-1505)	840.310	n	(P-15284/89; A-5495)
		(P-16910/89; A-3184)	840.310	n	(P-15284/89; A-5495)
790.9050	n	(P-16910/89; A-3184)	840.310	n	(P-15284/89; A-5495)
790.9060	am	(P-4437; A-11988) (E-4620)	840.310	n	(P-15284/89; A-5495)
790.9084	am	(E-9556) (P-9357)	840.310	n	(P-15284/89; A-5495)
			840.310	n	(P-15284/89; A-5495)
790.9180	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620)	840.310	n	(P-15284/89; A-5495)
790.9320	am	(E-9556) (P-9357)	840.310	n	(P-15284/89; A-5495)
790.9340	am	(P-1220; A-8154) (E-1505)	840.310	n	(P-15284/89; A-5495)
790.9380	am	(P-4437; A-11988) (E-4620)	840.310	n	(P-15284/89; A-5495)
790.9420	am	(P-4437; A-11988) (E-4620)	840.310	n	(P-15284/89; A-5495)
790.9460	am	(E-9556) (P-9357)	840.310	n	(P-15284/89; A-5495)
790.9500	am	(P-13133) (E-13325)	840.310	n	(P-15284/89; A-5495)
790.9800	am	(P-4437; A-11988) (E-4620)	840.310	n	(P-15284/89; A-5495)
800.120	am	(P-17707/89; A-12663)	840.310	n	(P-15284/89; A-5495)
800.130	am	(P-17707/89; A-12663)	840.310	n	(P-15284/89; A-5495)
800.300	am	(P-17707/89; A-12663)	840.310	n	(P-15284/89; A-5495)
800.340	am	(P-17707/89; A-12663)	840.310	n	(P-15284/89; A-5495)
800.400	am	(P-17707/89; A-12663)	840.310	n	(P-15284/89; A-5495)
800.410	am	(P-17707/89; A-12663)	840.310	n	(P-15284/89; A-5495)
800.420	am	(P-17707/89; A-12663)	840.310	n	(P-15284/89; A-5495)
800.440	am	(P-17707/89; A-12663)	840.310	n	(P-15284/89; A-5495)
800.440	am	(P-17707/89; A-12663)	840.310	n	(P-15284/89; A-5495)
800.520	am	(P-4437; A-11988) (E-4620)	840.310	n	(P-15284/89; A-5495)
800.560	am	(E-9556) (P-9357)	840.310	n	(P-15284/89; A-5495)
800.600	am	(P-4437; A-11988) (E-4620)	840.310	n	(P-15284/89; A-5495)
800.800	am	(P-4437; A-11988) (E-4620)	840.310	n	(P-15284/89; A-5495)
800.830	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620)	840.310	n	(P-15284/89; A-5495)
800.840	am	(P-11988) (E-4620)	840.310	n	(P-15284/89; A-5495)
800.840	am	(P-4437; A-11988) (E-4620)	840.310	n	(P-15284/89; A-5495)
800.900	am	(P-17707/89; A-12663)	840.310	n	(P-15284/89; A-5495)
800.980	am	(P-17707/89; A-12663)	840.310	n	(P-15284/89; A-5495)

TITLE 77 (CONT'D)		TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
ILG	am	(P-172; A-12552) (E-335)	935.80	am	(P-2498; A-12633)
ILH	n	(P-172; A-12552) (E-335)	935.85	n	(P-2498; A-12633)
ILH	am	(P-172; A-12552) (E-335)	935.90	am	(P-2498; A-12633)
ILJ	n	(P-172; A-12552) (E-335)	935.100	am	(P-2498; A-12633)
ILJ	n	(P-172; A-12552) (E-335)	935.105	n	(P-2498; A-12633)
890.120	am	(P-4543/89; A-1385)	935.110	am	(P-2498; A-12633)
890.620	am	(P-4543/89; A-1385)	935.120	am	(P-2498; A-12633)
890.630	am	(P-4543/89; A-1385)	935.130	am	(P-2498; A-12633)
890.640	am	(P-4543/89; A-1385)	1130.110	am	(P-2498; A-12633)
890.730	am	(P-4543/89; A-1385)	1130.120	n	(P-17245/89; A-7183)
890.820	am	(P-4543/89; A-1385)	1130.130	n	(P-17245/89; A-7183)
890.830	am	(P-4543/89; A-1385)	1130.140	n	(P-17245/89; A-7183)
890.920	am	(P-4543/89; A-1385)	1130.150	n	(P-17245/89; A-7183)
890.1040	am	(P-4543/89; A-1385)	1130.210	n	(P-17245/89; A-7183)
890.1070	am	(P-4543/89; A-1385)	1130.220	n	(P-17245/89; A-7183)
890.1110	am	(P-4543/89; A-1385)	1130.310	n	(P-17245/89; A-7183)
890.1210	am	(P-4543/89; A-1385)	1130.410	n	(P-17245/89; A-7183)
890.1410	am	(P-4543/89; A-1385)	1130.510	n	(P-17245/89; A-7183)
890.1460	am	(P-4543/89; A-1385)	1130.520	n	(P-17245/89; A-7183)
890.1540	am	(P-4543/89; A-1385)	1130.530	n	(P-17245/89; A-7183)
890.1550	am	(P-4543/89; A-1385)	1130.540	n	(P-17245/89; A-7183)
890.1620	am	(P-4543/89; A-1385)	1130.550	n	(P-17245/89; A-7183)
890.1640	am	(P-4543/89; A-1385)	1130.560	n	(P-17245/89; A-7183)
890.1650	am	(P-4543/89; A-1385)	1130.570	n	(P-17245/89; A-7183)
890.1720	am	(P-4543/89; A-1385)	1130.610	n	(P-17245/89; A-7183)
890.1750	am	(P-4543/89; A-1385)	1130.620	n	(P-17245/89; A-7183)
890.2000	am	(P-4543/89; A-1385)	1130.630	n	(P-17245/89; A-7183)
890.2110	am	(P-4543/89; A-1385)	1130.640	n	(P-17245/89; A-7183)
890.3010	n	(P-4543/89; A-1385)	1130.650	n	(P-17245/89; A-7183)
890.3020	n	(P-4543/89; A-1385)	1130.660	n	(P-17245/89; A-7183)
890.3030	n	(P-4543/89; A-1385)	1130.670	n	(P-17245/89; A-7183)
890.3040	n	(P-4543/89; A-1385)	1130.680	n	(P-17245/89; A-7183)
890.3050	n	(P-4543/89; A-1385)	1130.710	n	(P-17245/89; A-7183)
890.3060	n	(P-4543/89; A-1385)	1130.720	n	(P-17245/89; A-7183)
890.3070	n	(P-4543/89; A-1385)	1130.730	n	(P-17245/89; A-7183)
890.3080	n	(P-4543/89; A-1385)	1130.740	n	(P-17245/89; A-7183)
890.3090	n	(P-4543/89; A-1385)	1130.750	n	(P-17245/89; A-7183)
890.4000	n	(P-4543/89; A-1385)	1130.760	n	(P-17245/89; A-7183)
900.10	am	(P-5457)	1130.770	n	(P-17245/89; A-7183)
900.10	am	(P-5457)	1130.780	n	(P-17245/89; A-7183)
900.40	am	(P-5457)	1130.810	n	(P-17245/89; A-7183)
900.50	am	(P-5457)	1150.110	n	(P-5580/89; A-5168)
900.60	am	(P-5457)	1150.210	r	(P-5580/89; A-5168)
900.65	am	(P-5457)	1150.220	r	(P-5580/89; A-5168)
900.70	am	(P-5457)	1150.230	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.310	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.320	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.330	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.420	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.430	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.440	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.450	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.460	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.470	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.480	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.490	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.500	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.510	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.520	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.530	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.540	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.550	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.560	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.570	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.580	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.590	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.600	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.610	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.620	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.630	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.640	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.650	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.660	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.670	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.680	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.690	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.700	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.710	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.720	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.730	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.740	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.750	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.760	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.770	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.780	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.790	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.800	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.810	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.820	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.830	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.840	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.850	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.860	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.870	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.880	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.890	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.900	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.910	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.920	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.930	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.940	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.950	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.960	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.970	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.980	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1150.990	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.000	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.010	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.020	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.030	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.040	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.050	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.060	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.070	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.080	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.090	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.100	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.110	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.120	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.130	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.140	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.150	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.160	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.170	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.180	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.190	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.200	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.210	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.220	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.230	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.240	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.250	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.260	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.270	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.280	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.290	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.300	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.310	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.320	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.330	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.340	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.350	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.360	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.370	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.380	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.390	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.400	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.410	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.420	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.430	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.440	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.450	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.460	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.470	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.480	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.490	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.500	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.510	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.520	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.530	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.540	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.550	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.560	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.570	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.580	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.590	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.600	r	(P-5580/89; A-5168)
900.80	am	(P-5457)	1151.610</		

TITLE 80 (CONT'D)

1105.40	am	(P-1335/89; A-1278)	1230.70	am	(P-7700)
1105.50	am	(P-1335/89; A-1278)	1230.80	am	(P-7700)
1105.80	am	(P-1335/89; A-1278)	1230.90	am	(P-7700)
1105.100	am	(P-1335/89; A-1278)	1230.100	am	(P-7700)
1105.110	am	(P-1335/89; A-1278)	1230.110	am	(P-7700)
1105.120	am	(P-1335/89; A-1278)	1230.140	am	(P-7700)
1105.130	am	(P-1335/89; A-1278)	1230.150	am	(P-7700)
1105.140	am	(P-1335/89; A-1278)	1230.160	am	(P-7700)
1105.160	am	(P-1335/89; A-1278)	1230.180	am	(P-7700)
1105.170	am	(P-1335/89; A-1278)	1230.190	am	(P-7700)
1105.220	am	(P-1335/89; A-1278)	1230.200	am	(P-7700)
1110.40	am	(P-1357/89; A-1297)	1230.220	am	(P-7700)
1110.50	am	(P-1357/89; A-1297)	1540.80	am	(P-4880; A-10498)
1110.60	am	(P-1357/89; A-1297)	1540.90	am	(P-4880; A-10498)
1110.70	am	(P-1357/89; A-1297)	1540.250	am	(P-4880; RC-10149; A-10498)
1110.80	am	(P-1357/89; A-1297)	1600.40	am	(P-1228; A-6789)
1110.90	am	(P-1357/89; A-1297)	1600.110	am	(P-11742)
1110.100	am	(P-1357/89; A-1297)	1650.210	am	(P-11742)
1110.110	am	(P-1357/89; A-1297)	1650.230	am	(P-11742)
1110.140	am	(P-1357/89; A-1297)	1650.290	am	(P-11742)
1110.150	am	(P-1357/89; A-1297)	1650.320	am	(P-11742)
1110.160	am	(P-1357/89; A-1297)	1650.325	am	(P-11742)
1110.170	am	(P-1357/89; A-1297)	1650.340	am	(P-11742)
1110.180	am	(P-1357/89; A-1297)	1650.350	am	(P-11742)
1120.20	am	(P-1381/89; A-1322)	1650.360	am	(P-11742)
1120.30	am	(P-1381/89; A-1322)	1650.370	am	(P-11742)
1120.40	am	(P-1381/89; A-1322)	1650.410	am	(P-11742)
1120.50	am	(P-1381/89; A-1322)	1650.440	am	(P-11742)
1120.60	am	(P-1381/89; A-1322)	1650.450	am	(P-11742)
1120.70	am	(P-1381/89; A-1322)	1650.520	am	(P-11742)
1120.80	am	(P-1381/89; A-1322)	2120.30	am	(P-10603)
1120.90	am	(P-1381/89; A-1322)	2120.310	am	(P-10603)
1210.10	am	(P-7726)	2120.320	am	(P-10603)
1210.30	am	(P-7726)	2120.330	am	(P-10603)
1210.40	am	(P-7726)	2120.340	am	(P-10603)
1210.50	am	(P-7726)	2120.440	am	(P-10603)
1210.60	am	(P-7726)	2120.510	am	(P-10603)
1210.70	am	(P-7726)	2120.520	am	(P-10603)
1210.80	am	(P-7726)	2120.610	am	(P-10603)
1210.90	am	(P-7726)	2160.110	am	(P-4288)
1210.100	am	(P-7726)	2160.120	am	(P-4288)
1210.110	am	(P-7726)	2160.130	am	(P-4288)
1210.120	am	(P-7726)	2160.210	am	(P-4288)
1210.140	am	(P-7726)	2160.220	am	(P-4288)
1210.150	am	(P-7726)	2160.230	am	(P-4288)
1210.160	am	(P-7726)	2160.240	am	(P-4288)
1210.170	am	(P-7726)	2160.250	am	(P-4288)
1210.180	am	(P-7726)	2160.310	am	(P-4288)
1210.190	am	(P-7726)	2160.320	am	(P-4288)
1220.10	am	(P-7756)	2160.330	am	(P-4288)
1220.30	am	(P-7756)	2160.410	am	(P-4288)
1220.50	am	(P-7756)	2160.420	am	(P-4288)
1220.80	am	(P-7756)	2160.510	am	(P-4288)
1230.10	am	(P-7700)	2160.520	am	(P-4288)
1230.20	am	(P-7700)	2160.610	am	(P-4288)
1230.40	am	(P-7700)	2160.620	am	(P-4288)
1230.50	am	(P-7700)	2160.710	am	(P-4288)
1230.60	am	(P-7700)	2160.720	am	(P-4288)
			3000.Ap.A	am	(P-1548; A-10014)

TITLE 81

281.10	r	(P-4312; A-11188)
281.15	r	(P-4312; A-11188)
281.20	r	(P-4312; A-11188)

TITLE 83 (CONT'D)

281.22	r	(P-4312; A-11188)	285.2125	n	(P-5229/89; A-6000)
281.25	r	(P-4312; A-11188)	285.3000	n	(P-5229/89; A-6000)
281.30	r	(P-4312; A-11188)	285.3005	n	(P-5229/89; A-6000)
281.32	r	(P-4312; A-11188)	285.3010	n	(P-5229/89; A-6000)
281.35	r	(P-4312; A-11188)	285.3015	n	(P-5229/89; A-6000)
281.45	r	(P-4312; A-11188)	285.3020	n	(P-5229/89; A-6000)
281.50	r	(P-4312; A-11188)	285.3025	n	(P-5229/89; A-6000)
281.60	r	(P-4312; A-11188)	285.3030	n	(P-5229/89; A-6000)
281.70	r	(P-4312; A-11188)	285.3035	n	(P-5229/89; A-6000)
281.80	r	(P-4312; A-11188)	285.3040	n	(P-5229/89; A-6000)
281.90	r	(P-4312; A-11188)	285.3045	n	(P-5229/89; A-6000)
281.95	r	(P-4312; A-11188)	285.3050	n	(P-5229/89; A-6000)
281.100	r	(P-4312; A-11188)	285.3055	n	(P-5229/89; A-6000)
281.Ex. A	r	(P-4312; A-11188)	285.3060	n	(P-5229/89; A-6000)
281.Ex. D	r	(P-4312; A-11188)	285.3061	n	(P-5229/89; A-6000)
281.Ex. E	r	(P-4312; A-11188)	285.3065	n	(P-5229/89; A-6000)
281.Ex. F	r	(P-4312; A-11188)	285.3070	n	(P-5229/89; A-6000)
281.Ex. G	r	(P-4312; A-11188)	285.3075	n	(P-5229/89; A-6000)
281.Ex. H	r	(P-4312; A-11188)	285.3080	n	(P-5229/89; A-6000)
281.Ap. A	r	(P-4312; A-11188)	285.3085	n	(P-5229/89; A-6000)
285.110	am	(P-5229/89; A-6000)	285.3090	n	(P-5229/89; A-6000)
285.115	am	(P-5229/89; A-6000)	285.3095	n	(P-5229/89; A-6000)
285.140	am	(P-5229/89; A-6000)	285.3100	n	(P-5229/89; A-6000)
285.145	n	(P-5229/89; A-6000)	285.3110	n	(P-5229/89; A-6000)
285.150	am	(P-5229/89; A-6000)	285.3125	n	(P-5229/89; A-6000)
285.160	am	(P-5229/89; A-6000)	285.3130	n	(P-5229/89; A-6000)
285.170	am	(P-5229/89; A-6000)	285.4000	n	(P-5229/89; A-6000)
285.210	am	(P-5229/89; A-6000)	285.4001	n	(P-5229/89; A-6000)
285.310	am	(P-5229/89; A-6000)	285.4005	n	(P-5229/89; A-6000)
285.410	am	(P-5229/89; A-6000)	285.4010	n	(P-5229/89; A-6000)
285.420	am	(P-5229/89; A-6000)	285.4015	n	(P-5229/89; A-6000)
285.1000	n	(P-5229/89; A-6000)	285.4020	n	(P-5229/89; A-6000)
285.1005	n	(P-5229/89; A-6000)	285.4025	n	(P-5229/89; A-6000)
285.1010	n	(P-5229/89; A-6000)	285.5000	n	(P-5229/89; A-6000)
285.1015	n	(P-5229/89; A-6000)	285.5005	n	(P-5229/89; A-6000)
285.2000	n	(P-5229/89; A-6000)	285.5010	n	(P-5229/89; A-6000)
285.2005	n	(P-5229/89; A-6000)	285.5015	n	(P-5229/89; A-6000)
285.2010	n	(P-5229/89; A-6000)	285.5020	n	(P-5229/89; A-6000)
285.2015	n	(P-5229/89; A-6000)	285.5025	n	(P-5229/89; A-6000)
285.2020	n	(P-5229/89; A-6000)	285.Ex. A	r	(P-5229/89; A-6000)
285.2025	n	(P-5229/89; A-6000)	285.Ex. B	r	(P-5229/89; A-6000)
285.2030	n	(P-5229/89; A-6000)	285.Ex. C	r	(P-5229/89; A-6000)
285.2035	n	(P-5229/89; A-6000)	285.Ex. D	r	(P-5229/89; A-6000)
285.2040	n	(P-5229/89; A-6000)	285.Ex. E	r	(P-5229/89; A-6000)
285.2045	n	(P-5229/89; A-6000)	410.360	am	(P-16211/89; A-3454)
285.2050	n	(P-5229/89; A-6000)	445.10	am	(P-13129/89; A-626)
285.2055	n	(P-5229/89; A-6000)	445.20	n	(P-13129/89; A-626)
285.2060	n	(P-5229/89; A-6000)	445.30	n	(P-13129/89; A-626)
285.2065	n	(P-5229/89; A-6000)	445.40	n	(P-13129/89; A-626)
285.2070	n	(P-5229/89; A-6000)	445.50	n	(P-13129/89; A-626)
285.2075	n	(P-5229/89; A-6000)	445.60	n	(P-13129/89; A-626)
285.2080	n	(P-5229/89; A-6000)	445.70	n	(P-13129/89; A-626)
285.2085	n	(P-5229/89; A-6000)	445.80	n	(P-13129/89; A-626)
285.2090	n	(P-5229/89; A-6000)	500.335	am	(P-16219/89; A-3463)
285.2095	n	(P-5229/89; A-6000)	505.10	am	(P-13361/89; A-1605)
285.2100	n	(P-5229/89; A-6000)	590.10	am	(P-19344/89; A-10018)
285.2105	n	(P-5229/89; A-6000)	710.1	am	(P-1552; A-10021)
285.2110	n	(P-5229/89; A-6000)	755.10	am	(P-15157/89; A-3042)
285.2115	n	(P-5229/89; A-6000)	755.210	am	(P-15157/89; A-3042)
285.2120	n	(P-5229/89; A-6000)	757.10	am	(P-2731)

TITLE 83 (CONT'D)

TITLE 83 (CONT'D)					
757.300	n	(P-2731)	100.7590	r	(P-17312/89; A-4558)
757.310	n	(P-2731)	100.7600	r	(P-17312/89; A-4558)
757.320	n	(P-2731)	100.7610	r	(P-17312/89; A-4558)
757.330	n	(P-2731)	100.7620	r	(P-17312/89; A-4558)
757.340	n	(P-2731)	100.7630	r	(P-17312/89; A-4558)
757.350	n	(P-2731)	100.7640	r	(P-17312/89; A-4558)
757.400	n	(P-2731)	100.7650	r	(P-17312/89; A-4558)
757.410	n	(P-2731)	100.7700	r	(P-17312/89; A-4558)
757.420	n	(P-2731)	100.7750	r	(P-17312/89; A-4558)
757.430	n	(P-2731)	100.7800	r	(P-17312/89; A-4558)
757.440	n	(P-2731)	100.9060	am	(P-19347/89; A-10082)
757.450	n	(P-2731)	100.9070	am	(P-19347/89; A-10082)
757.460	am	(P-13358/89; A-3037) (P-9631)	100.9110	am	(P-19347/89; A-10082)
780.5	n	(P-13100)	100.9130	am	(P-19347/89; A-10082)
780.10	n	(P-13100)	100.9140	am	(P-19347/89; A-10082)
780.20	n	(P-13100)	100.9900	am	(P-7090)
780.30	n	(P-13100)	130.310	am	(P-8359/89; A-872)
780.40	n	(P-13100)	130.330	am	(P-22097/89; O-20410/89; M-411; A-241)
780.41	n	(P-13100)	130.1940	am	(P-7106)
780.42	n	(P-12680/89; A-624)	130.1965	am	(P-7106)
780.43	n	(P-12680/89; A-624)	130.2000	am	(P-22097/89; O-20410/89; M-411; A-241)
780.44	n	(P-12680/89; A-624)	130.2075	am	(P-7106)
780.45	n	(P-12680/89; A-624)	140.101	am	(P-10179/89; A-262)
780.46	n	(P-12680/89; A-624)	140.105	r	(P-10179/89; A-262)
780.47	n	(P-12680/89; A-624)	140.105	n	(P-10179/89; A-262)
780.48	n	(P-12680/89; A-624)	140.110	r	(P-10179/89; A-262)
780.49	n	(P-12680/89; A-624)	140.115	r	(P-10179/89; A-262)
780.50	n	(P-12680/89; A-624)	140.120	am	(P-10179/89; A-262)
780.51	n	(P-12680/89; A-624)	140.125	am	(P-10179/89; A-262)
780.52	n	(P-12680/89; A-624)	140.125	n	(P-10179/89; A-262)
780.53	n	(P-12680/89; A-624)	140.130	r	(P-10179/89; A-262)
780.54	n	(P-12680/89; A-624)	140.135	am	(P-10179/89; A-262)
780.55	n	(P-12680/89; A-624)	140.140	am	(P-10179/89; A-262)
780.56	n	(P-12680/89; A-624)	140.145	am	(P-10179/89; A-262)
780.57	n	(P-12680/89; A-624)	140.201	am	(P-10179/89; A-262)
780.58	n	(P-12756/89; A-681)	140.301	am	(P-10179/89; A-262)
780.59	n	(P-12756/89; A-681)	140.305	am	(P-10179/89; A-262)
780.60	n	(P-12756/89; A-681)	140.401	am	(P-10179/89; A-262)
780.61	n	(P-12756/89; A-681)	140.405	am	(P-10179/89; A-262)
780.62	n	(P-12756/89; A-681)	140.410	am	(P-10179/89; A-262)
780.63	n	(P-12756/89; A-681)	140.420	am	(P-10179/89; A-262)
780.64	n	(P-12756/89; A-681)	140.425	am	(P-10179/89; A-262)
780.65	n	(P-12756/89; A-681)	140.430	am	(P-10179/89; A-262)
780.66	n	(P-12756/89; A-681)	140.501	am	(P-10179/89; A-262)
780.67	n	(P-12756/89; A-681)	140.505	r	(P-10179/89; A-262)
780.68	n	(P-12756/89; A-681)	140.1301	r	(P-10179/89; A-262)
780.69	n	(P-12756/89; A-681)	140.1310	r	(P-10179/89; A-262)
780.70	n	(P-12756/89; A-681)	140.1415	am	(P-10179/89; A-262)
780.71	n	(P-12756/89; A-681)	140.1501	am	(P-10179/89; A-262)
780.72	n	(P-12756/89; A-681)	140.1601	am	(P-10179/89; A-262)
780.73	n	(P-12756/89; A-681)	150.325	am	(P-7215/89; A-6835)
780.74	n	(P-12756/89; A-681)	150.330	am	(P-7215/89; A-6835)
780.75	n	(P-12756/89; A-681)	150.1401	am	(P-7215/89; A-6835)
780.76	n	(P-12756/89; A-681)	150.1405	am	(P-7215/89; A-6835)
780.77	n	(P-12756/89; A-681)	150.145	am	(P-7215/89; A-6835)
780.78	n	(P-12756/89; A-681)	150.1415	am	(P-7215/89; A-6835)
780.79	n	(P-12756/89; A-681)	205.10	n	(P-575; A-6831)
780.80	am	(P-18188/89; A-6810)	205.20	n	(P-575; A-6831)
780.81	r	(P-17312/89; A-4558)	205.30	n	(P-575; A-6831)
780.82	r	(P-17312/89; A-4558)	420.10	am	(P-9402)
780.83	r	(P-17312/89; A-4558)	420.140	am	(P-9402)

TITLE 86

100.3250	am	(P-18188/89; A-6810)	205.10	n	(P-575; A-6831)
100.7550	r	(P-17312/89; A-4558)	205.20	n	(P-575; A-6831)
100.7560	r	(P-17312/89; A-4558)	205.30	n	(P-575; A-6831)
100.7570	r	(P-17312/89; A-4558)	420.10	am	(P-9402)
100.7580	r	(P-17312/89; A-4558)	420.140	am	(P-9402)

SAI-36

TITLE 86 (CONT'D)

TITLE 86 (CONT'D)

432.130	am	(E-9251) (P-8996)	112.131	am	A-14140)
432.131	am	(P-19371/89; A-6399)	112.131	am	(P-5695; O-12962; R-14214; A-14140)
432.132	am	(P-19371/89; A-6399)	112.138	n	(P-16894/89; A-3575)
432.120	am	(P-19371/89; A-6399)	112.141	am	(P-5695; O-12962; R-14214; A-14140)
432.160	am	(P-19371/89; A-6399)	112.143	am	(P-5695; O-12962; R-14214; A-14140)
440.10	am	(P-12954/89; A-6794)	112.145	am	(P-5695; O-12962; R-14214; A-14140)
440.20	am	(P-13429)	112.147	am	(P-5695; O-12962; R-14214; A-14140)
440.90	am	(P-12954/89; A-6794)	112.150	am	(P-9790)
440.140	r	(P-12954/89; A-6794)	112.151	am	(P-4054; A-10379) (P-9291)
440.150	r	(P-12954/89; A-6794)	112.154	am	(P-19117/89; A-6306)
440.200	r	(P-12954/89; A-6794)	112.252	am	(P-14741/89; A-705)
450.10	am	(P-12964/89; A-6804) (P-13434)	112.252	am	(P-14741/89; A-705)
495.100	n	(P-12964/89; O-10152; M-11408; A-11321)	112.253	am	(P-14741/89; A-705)
495.105	n	(P-16723/89; A-11321)	112.254	am	(P-19117/89; A-6306)
495.110	n	(P-16723/89; A-11321)	112.300	am	(P-16894/89; A-3575)
495.115	n	(P-16723/89; A-11321)	112.303	am	(P-16894/89; A-3575)
495.120	n	(P-16723/89; A-11321)	112.304	am	(P-538) (P-538; A-6306)
495.125	n	(P-16723/89; A-11321)	112.308	am	(P-1123; O-12962; R-13867; A-13652)
495.130	n	(P-16723/89; A-11321)	112.315	#	(P-1123; A-13652)
500.101	am	(P-13201/89; A-6826)	112.330	am	(P-5923; O-12980; R-14214; A-14140)
2000.100	n	(P-4281)	112.332	r	(P-5923; O-12980; R-14214; A-14140)
2000.101	n	(P-4281)	112.350	n	(P-1123; O-12962; R-13867; A-13652)
2000.Ap-A	n	(P-4281)	112.352	n	(P-1123; O-12962; R-13867; A-13652)

TITLE 89

102.70	am	(P-7399; A-13279)	112.354	n	(P-1123; O-12962; R-13867; A-13652)
103.10	am	(P-5965; A-13288) (P-19180/89; A-6395) (P-13129)	112.356	n	(P-1123; O-12962; R-13867; A-13652)
104.102	am	(P-12204)	112.358	n	(P-1123; O-12962; R-13867; A-13652)
110.30	am	(P-7395; A-13198)	112.360	n	(P-1123; O-12962)
112.9	am	(P-2798; O-12966; R-14214; A-14140)	112.362	n	(P-1123; O-12962; R-13867; A-13652)
112.40	am	(P-1948/89; A-3170)	112.364	n	(P-1123; O-12962; R-13867; A-13652)
112.70	am	(P-1123; O-12951; R-13867; A-13652)	112.366	n	(P-1123; O-12962; R-13867; A-13652)
112.71	am	(P-1123; O-12951; R-13867; A-13652)	112.400	n	(P-1123; O-12962; R-13867; A-13652)
112.72	am	(P-1123; O-12951; R-13867; A-13652)	112.402	n	(P-1123; O-12962)
112.74	am	(P-1123; O-12951; R-13867; A-13652)	112.404	n	(P-1123; O-12962; R-13867; A-13652)
112.76	am	(P-1123; O-12951; R-13867; A-13652)	112.406	n	(P-1123; O-12962; R-13867; A-13652)
112.77	n	(P-1123; O-12951; R-13867; A-13652)	112.408	n	(P-1123; O-12962; R-13867; A-13652)
112.77	#	(P-1123; O-12951; R-13867; A-13652)	112.410	n	(P-1123; O-12962; R-13867; A-13652)
112.78	am	(P-1123; O-12951; R-13867; A-13652)	112.412	n	(P-1123; O-12962; R-13867; A-13652)
112.79	am	(P-1123; O-12951; R-13867; A-13652)	112.414	n	(P-1123; O-12962; R-13867; A-13652)
112.80	am	(P-1123; O-12951; R-13867; A-13652)			
112.82	am	(P-16894/89; A-3575) (P-1123; O-12951; R-13867; A-13652)			
112.83	#	(P-1123; O-12962; R-13867; A-13652)			
112.83	am	(P-1123; O-12962; R-13867; A-13652)			
112.110	am	(P-4054; A-10379) (P-9291)			
112.130	am	(P-5695; O-12962; R-14214; A-14140)			

SAI-37

TITLE 89 (CONT'D)

112.416	n	(P-1123; O-12962; R-13867; A-13652)	#	(P-2473; A-10442)	118.300
112.418	n	(P-1123; O-12962; R-13867; A-13652)	am	(P-2473; A-10442)	118.400
113.9	am	(P-2811; O-12983; R-13361; A-13187)	am	(P-5724; A-13227; E-5839)	120.11
113.140	am	(P-9806)	am	(P-19157/89; A-6372)	120.20
113.141	am	(P-9307)	am	(P-14778/89; A-760)	120.30
113.154	am	(P-19130/89; A-6321)	am	(P-5724; A-13227; E-5839)	120.31
113.155	n	(P-163; A-6321)	am	(P-15582/89; A-4233)	120.60
113.253	am	(P-1263/89; A-720)	am	(P-15582/89; A-4233)	120.61
113.260	am	(P-6321)	am	(P-15582/89; A-4233)	120.62
113.261	n	(P-2821; O-12994; R-14218; A-14162)	am	(P-558; A-7637)	120.63
114.9	am	(P-7015; A-13215)	am	(P-558; A-7637)	120.70
114.85	n	(P-16691/89; A-3640)	am	(P-558; A-7637)	120.74
114.130	am	(P-5385; A-13777)	am	(P-558; A-7637)	120.76
114.140	am	(P-4070; A-10929)	am	(P-558; A-7637)	120.77
114.210	am	(P-5713; O-13005; R-14218; A-14162)	am	(P-558; A-7637)	120.78
114.235	am	(P-5713; O-13005; R-14218; A-14162)	am	(P-558; A-7637)	120.79
114.241	am	(P-5713; O-13005; R-14218; A-14162)	am	(P-558; A-7637)	120.80
114.250	am	(P-4070; A-10929)	am	(P-558; A-7637)	120.81
114.251	am	(P-19146/89; A-6360)	am	(P-558; A-7637)	120.82
114.270	am	(P-14764/89; A-746)	am	(P-558; A-7637)	120.83
114.351	am	(P-14764/89; A-746)	am	(P-558; A-7637)	120.84
114.352	am	(P-14764/89; A-746)	am	(P-558; A-7637)	120.85
114.353	am	(P-5385; A-13777)	am	(P-558; A-7637)	120.86
114.402	am	(P-5385; A-13777)	am	(P-558; A-7637)	120.87
114.430	am	(P-5945; O-13008; R-14218; A-14162)	am	(P-558; A-7637)	120.88
114.450	n	(P-5385; A-13777)	am	(P-558; A-7637)	120.89
114.452	n	(P-5385; A-13777)	am	(P-558; A-7637)	120.90
114.454	n	(P-5385; A-13777)	am	(P-558; A-7637)	120.91
114.456	n	(P-5385; A-13777)	am	(P-558; A-7637)	121.10
114.458	n	(P-5385; A-13777)	am	(P-558; A-7637)	121.19
114.460	n	(P-5385; A-13777)	am	(P-558; A-7637)	121.22
114.462	n	(P-5385; A-13777)	am	(P-558; A-7637)	121.23
114.464	n	(P-5385; A-13777)	am	(P-558; A-7637)	121.27
114.466	n	(P-5385; A-13777)	am	(P-558; A-7637)	121.31
114.500	n	(P-5385; A-13777)	am	(P-558; A-7637)	121.35
114.502	n	(P-5385; A-13777)	am	(P-558; A-7637)	121.61
114.504	n	(P-5385; A-13777)	am	(P-558; A-7637)	121.63
114.506	n	(P-5385; A-13777)	am	(P-558; A-7637)	121.70
114.508	n	(P-5385; A-13777)	am	(P-558; A-7637)	121.72
114.510	n	(P-5385; A-13777)	am	(P-558; A-7637)	121.92
114.512	n	(P-5385; A-13777)	am	(P-558; A-7637)	130.200
114.514	n	(P-5385; A-13777)	am	(P-558; A-7637)	130.321
114.516	n	(P-5385; A-13777)	am	(P-558; A-7637)	140.7
114.518	n	(P-5385; A-13777)	am	(P-558; A-7637)	140.24
115.10	am	(P-14790/89; A-773)	am	(P-1737; A-10062)	140.400
115.30	am	(P-2469; A-10438)	am	(P-1737; A-10062)	140.413
116.510	am	(P-10616)	am	(P-1570; A-10409)	140.420
116.520	am	(P-10616)	am	(P-1570; A-10409)	140.421
117.20	am	(P-17241/89; A-9488)	am	(P-14265/89; A-4543)	140.428
117.50	am	(P-14008/89; A-780)	am	(P-14265/89; A-4543)	140.429
117.51	am	(P-14008/89; A-780)	am	(P-1737; A-10062)	140.435
117.53	am	(P-14008/89; A-780)	am	(P-1737; A-10062)	140.436
118.300	n	(P-2473; A-10442)	am	(E-5575)	140.461

TITLE 89 (CONT'D)

TITLE 89 (CONT'D)					
140.462	am	(E-5575) (P-5726)	141.800	am	(P-17665/89; A-3595) (P-2465; A-9464) (E-2657) (P-12202)
140.463	am	(E-5575) (P-5726)			(E-12278)
140.471	am	(P-8929)	141.960	am	(P-12714) (E-12910)
140.472	am	(P-8929)	141.1000	am	(P-17665/89; A-3595) (P-2465; A-9464) (E-2657)
140.473	am	(P-8929)			(P-12202) (E-12278)
140.474	am	(P-11157/89; A-190)	141.1080	am	(P-17665/89; A-3595)
140.490	am	(P-11157/89; A-190)	141.1125	am	(P-17665/89; A-3595)
140.491	am	(P-11157/89; A-190)	141.1200	am	(P-12202) (E-12278)
140.492	am	(P-11157/89; A-190)			(P-12714) (E-12910)
140.525	am	(P-17667/89; A-7141)	141.1240	am	(P-17665/89; A-3595)
140.526	am	(P-17667/89; A-7141)	141.1280	am	(P-17665/89; A-3595) (P-2465; A-9464) (E-2657) (P-12714)
140.528	am	(E-7249; O-13036)	141.1320	am	(E-12910)
140.529	am	(E-12082) (P-11672)			(P-17665/89; A-3595)
140.539	am	(P-10629)	141.1520	am	(P-12202) (E-12278)
140.542	am	(P-4415) (E-4577; O-8226; R-9260)	141.1640	am	(P-2465; A-9464) (E-2657)
140.543	am	(P-13178/89; A-2564) (P-4415)	141.1880	am	(P-12202) (E-12278)
140.544	r	(E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.545	am	(P-4415) (E-4577; O-8226; R-9260)	141.2400	am	(P-12714) (E-12910)
140.560	am	(P-13178/89; A-2564)	141.2600	am	(P-17665/89; A-3595)
140.561	am	(P-13178/89; A-2564)	141.2840	am	(P-12714) (E-12910)
140.562	am	(P-13178/89; A-2564) (P-13963) (E-14184)	141.2920	am	(P-12202) (E-12278)
140.565	r	(P-17667/89; A-7141)	141.2960	am	(P-12714) (E-12910)
140.566	r	(P-17667/89; A-7141)	141.3000	am	(P-17665/89; A-3595)
140.567	r	(P-17667/89; A-7141)	141.3120	am	(P-12202) (E-12278)
140.568	am	(P-17667/89; A-7141)	141.3200	am	(P-12714) (E-12910)
140.569	am	(P-15612/89; A-2564) (P-7834)	141.3320	am	(P-2465; A-9464) (E-2657)
140.642	am	(P-3019) (E-3241; O-8223; R-9258)	141.3440	am	(P-2465; A-9464) (E-2657)
140.646	am	(P-4415) (E-4577; O-8226; R-9260)	141.3520	am	(P-12202) (E-12278)
140.647	am	(P-4415) (E-4577; O-8226; R-9260)	141.3560	am	(P-17665/89; A-3595)
140.648	am	(P-4415) (E-4577; O-8226; R-9260)			(P-12202) (E-12278)
140.649	am	(P-4415) (E-4577; O-8226; R-9260)	141.3680	am	(P-12714) (E-12910)
140.650	am	(P-4415) (E-4577; O-8226; R-9260)	141.3800	am	(P-17665/89; A-3595)
140.652	am	(P-4415) (E-4577; O-8226; R-9260)	141.3840	am	(P-17665/89; A-3595)
140.653	am	(P-4415) (E-4577; O-8226; R-9260)	141.3880	am	(P-2465; A-9464) (E-2657)
140.654	am	(P-4415) (E-4577; O-8226; R-9260)	141.3920	am	(P-17665/89; A-3595)
140.655	am	(P-4415) (E-4577; O-8226; R-9260)			(P-12202) (E-12278)
140.656	am	(P-4415) (E-4577; O-8226; R-9260)	141.3960	am	(P-12202) (E-12278)
140.657	am	(P-4415) (E-4577; O-8226; R-9260)	141.4040	am	(P-17665/89; A-3595)
140.658	am	(P-4415) (E-4577; O-8226; R-9260)			(P-12202) (E-12278)
140.659	am	(P-4415) (E-4577; O-8226; R-9260)	141.4200	am	(P-12714) (E-12910)
140.660	am	(P-4415) (E-4577; O-8226; R-9260)	141.4240	am	(P-17665/89; A-3595)
140.661	am	(P-4415) (E-4577; O-8226; R-9260)	141.4360	am	(P-17665/89; A-3595)
140.662	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.663	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.664	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.665	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.666	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.667	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.668	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.669	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.670	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.671	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.672	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.673	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.674	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.675	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.676	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.677	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.678	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.679	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.680	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.681	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.682	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.683	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.684	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.685	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.686	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.687	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.688	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.689	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.690	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.691	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.692	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.693	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.694	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.695	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.696	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.697	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.698	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.699	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.700	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.701	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.702	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.703	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.704	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.705	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.706	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.707	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.708	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.709	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.710	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.711	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.712	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.713	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.714	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.715	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.716	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.717	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.718	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.719	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.720	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.721	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.722	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.723	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.724	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.725	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.726	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.727	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.728	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.729	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.730	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.731	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.732	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.733	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.734	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.735	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.736	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.737	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.738	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.739	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.740	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.741	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.742	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.743	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.744	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.745	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.746	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.747	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.748	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.749	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.750	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.751	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.752	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.753	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.754	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.755	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.756	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.757	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.758	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.759	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.760	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.761	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.762	am	(P-4415) (E-4577; O-8226; R-9260)			(P-17665/89; A-3595)
140.763	am	(P-4415) (E-4577; O-8226; R-9260)			

TITLE 89 (CONT'D)		
144.105	n	(P-11999/89; A-4166)
144.125	am	(P-11999/89; A-4166)
144.150	am	(P-11999/89; A-4166)
144.175	n	(P-11999/89; A-4166)
144.200	n	(P-11999/89; A-4166)
144.205	am	(P-11999/89; A-4166)
144.225	n	(P-11999/89; A-4166)
144.250	n	(P-11999/89; A-4166)
144.275	re	(A-7651)
144.Tb.A	n	(P-11999/89; A-4166)
144.Tb.B	n	(P-11999/89; A-4166)
144.Tb.C	n	(P-11999/89; A-4166)
146.5	r	(P-7031; A-13800)
146.25	r	(P-7031; A-13800)
146.50	r	(P-7031; A-13800)
146.75	r	(P-7031; A-13800)
146.100	r	(P-7031; A-13800)
146.105	r	(P-7031; A-13800)
146.125	r	(P-7031; A-13800)
146.150	r	(P-7031; A-13800)
146.175	r	(P-7031; A-13800)
146.200	r	(P-7031; A-13800)
146.225	am	(P-4419)
146.225	re	(A-7651)
147.150	am	(P-6664) (E-6915; O-10165)
147.205	am	(P-13967) (E-14203)
147.250	n	(P-5434)
147.300	n	(P-9355) (E-9523; O-13039)
147.305	n	(P-9355) (E-9523; O-13039)
147.310	n	(P-9355) (E-9523; O-13039)
147.315	n	(P-9355) (E-9523; O-13039)
147.320	n	(P-9355) (E-9523; O-13039)
147.325	n	(P-9355) (E-9523; O-13039)
147.330	n	(P-9355) (E-9523; O-13039)
147.335	n	(P-9355) (E-9523; O-13039)
147.340	n	(P-9355) (E-9523; O-13039)
147.345	n	(P-9355) (E-9523; O-13039)
147.350	n	(P-9355) (E-9523; O-13039)
147.Tb.A	am	(P-10763/89; A-210)
147.Tb.B	am	(P-10763/89; A-210)
148.120	am	(P-13729/89; A-2553) (P-9331)
148.140	am	(P-5409) (P-11108) (E-11392)
148.360	am	(P-9827)
160.5	am	(P-12148)
160.60	am	(P-12148)
160.65	am	(P-12148)
160.70	am	(P-12148) (P-13946)
160.100	am	(P-12148)
160.110	am	(P-12148)
160.120	am	(P-12148)
160.130	am	(P-12148)
160.132	am	(P-12148)
160.134	am	(P-12148)
160.136	am	(P-12148)
160.138	am	(P-12148)
170.50	r	(P-13124)
230.45	am	(P-14499/89; A-2308)
240.220	am	(E-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)
240.715	am	(P-1077; A-10732)
240.720	am	(P-1077; A-10732)
240.725	am	(P-1077; A-10732)
240.855	am	(P-1077; A-10732)
240.870	am	(P-1077; A-10732)
240.920	am	(P-1077; A-10732)
240.1020	am	(P-1077; A-10732)
240.1950	am	(P-1077; A-10732)
300.20	am	(E-11356) (P-11423)
300.90	am	(P-11423)
300.130	am	(P-11423)
300.140	am	(P-11423)
302.20	am	(P-1)
302.40	am	(P-1)
302.315	am	(P-2205)
302.390	am	(P-14508/89; A-3438)
302.500	n	(P-1)
302.510	n	(P-1)
302.520	n	(P-1)
302.530	n	(P-1)
302.540	n	(P-1)
337.10	n	(P-9273)
337.20	n	(P-9273)
337.30	n	(P-9273)
337.40	n	(P-9273)
337.50	n	(P-9273)
337.60	n	(P-9273)
337.70	n	(P-9273)
337.80	n	(P-9273)
337.90	n	(P-9273)
337.100	n	(P-9273)
337.110	n	(P-9273)
337.120	n	(P-9273)
337.130	n	(P-9273)
337.140	n	(P-9273)
337.150	n	(P-9273)
337.160	n	(P-9273)
337.170	n	(P-9273)
337.180	n	(P-9273)
337.190	n	(P-9273)
337.200	n	(P-9273)
337.210	n	(P-9273)
410.10	n	(P-439; A-9407) (E-999)
410.20	n	(P-439; O-8206; R-9622, A-9407) (E-999)
410.30	n	(P-439; A-9407) (E-999)
410.40	n	(P-439; A-9407) (E-999)
410.50	n	(P-439; A-9407) (E-999)
410.60	n	(P-439; O-8206; R-9622, A-9407) (E-999)
410.70	n	(P-439; A-9407) (E-999)
410.80	n	(P-439; A-9407) (E-999)
410.90	n	(P-439; A-9407) (E-999)
410.100	n	(P-439; A-9407) (E-999)
410.110	n	(P-439; A-9407) (E-999)
410.120	n	(P-439; A-9407) (E-999)
410.130	n	(P-439; A-9407) (E-999)
410.140	n	(P-439; A-9407) (E-999)
410.150	n	(P-439; A-9407) (E-999)
410.160	n	(P-439; A-9407) (E-999)
410.170	n	(P-439; A-9407) (E-999)
410.180	n	(P-439; A-9407) (E-999)
410.190	n	(P-439; A-9407) (E-999)
410.200	n	(P-439; A-9407) (E-999)
410.210	n	(P-439; A-9407) (E-999)
410.220	n	(P-439; A-9407) (E-999)
410.230	n	(P-439; A-9407) (E-999)

TITLE 89 (CONT'D)		TITLE 92 (CONT'D)	
716.200	n	386.1010	n
716.300	n	386.1020	n
716.400	n	386.1030	n
716.500	n	386.1040	n
716.600	n	386.1050	n
730.400	am	386.1060	n
765.60	am	386.1070	n
795.100	am	386.1080	n
795.110	am	386.1090	n
810.10	am	386.1100	n
830.50	am	386.1110	n
843.10	am	386.1120	n
843.20	am	386.1130	n
843.30	am	386.1140	n
843.40	am	386.1150	n
843.50	am	386.1160	n
843.60	am	386.1170	n
843.70	am	386.1180	n
843.80	am	386.1190	n
843.90	am	386.1200	n
844.00	am	390.1000	n
845.10	am	390.1010	n
845.20	am	390.1020	n
845.30	am	390.1030	n
845.40	am	390.1040	n
845.50	am	390.1050	n
845.60	am	390.1060	n
845.70	am	390.1070	n
845.80	am	390.1080	n
845.90	am	390.1090	n
846.00	am	390.1100	n
846.10	am	390.1110	n
846.20	am	390.1120	n
846.30	am	390.1130	n
846.40	am	390.1140	n
846.50	am	390.1150	n
846.60	am	390.1160	n
846.70	am	390.1170	n
846.80	am	390.1180	n
846.90	am	390.1190	n
847.00	am	390.1200	n
847.10	am	390.1210	n
847.20	am	390.1220	n
847.30	am	390.1230	n
847.40	am	390.1240	n
847.50	am	390.1250	n
847.60	am	390.1260	n
847.70	am	390.1270	n
847.80	am	390.1280	n
847.90	am	390.1290	n
848.00	am	390.1300	n
848.10	am	390.1310	n
848.20	am	390.1320	n
848.30	am	390.1330	n
848.40	am	390.1340	n
848.50	am	390.1350	n
848.60	am	390.1360	n
848.70	am	390.1370	n
848.80	am	390.1380	n
848.90	am	390.1390	n
849.00	am	390.1400	n
849.10	am	390.1410	n
849.20	am	390.1420	n
849.30	am	390.1430	n
849.40	am	390.1440	n
849.50	am	390.1450	n
849.60	am	390.1460	n
849.70	am	390.1470	n
849.80	am	390.1480	n
849.90	am	390.1490	n
850.00	am	390.1500	n
850.10	am	390.1510	n
850.20	am	390.1520	n
850.30	am	390.1530	n
850.40	am	390.1540	n
850.50	am	390.1550	n
850.60	am	390.1560	n
850.70	am	390.1570	n
850.80	am	390.1580	n
850.90	am	390.1590	n
851.00	am	390.1600	n
851.10	am	390.1610	n
851.20	am	390.1620	n
851.30	am	390.1630	n
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872.30	am	390.3730	n
872.40	am	390.3740	n
872.50	am	390.3750	n
872.60	am	390.3760	n

SECTIONS AFFECTED INDEX

TITLE 92 (CONT'D)

1060.5	am	(P-1859; A-8658)
1060.20	am	(P-1859; A-8658)
1060.60	am	(P-1859; A-8658)
1060.70	am	(P-1859; A-8658)
1060.100	am	(P-1859; A-8658)
1060.130	am	(P-1859; A-8658)
1060.140	am	(P-1859; A-8658)
1060.150	am	(P-1859; A-8658)
1060.160	am	(P-1859; A-8658)
1060.230	am	(P-1859; A-8658)
1060.240	am	(P-1859; A-8658)
1060.250	am	(P-1859; A-8658)
1060.260	n	(P-1859; A-8658)
1070.50	am	(P-2526; A-10107)
1070.90	n	(P-19116/89; A-6859)
1207.20	am	(P-15150/89; A-3033)
1300.10	r	(P-14147/89; A-3040)
1300.20	r	(P-14147/89; A-3040)
1300.30	r	(P-14147/89; A-3040)
1300.40	r	(P-14147/89; A-3040)
1300.50	r	(P-14147/89; A-3040)
1300.60	r	(P-14147/89; A-3040)
1307.10	am	(P-15154/89; A-13138)
1415.10	am	(P-19339/89; A-8583)
1415.20	am	(P-19339/89; A-8583)
1415.35	am	(P-19339/89; A-8583)
1710.90	r	(P-2721; A-10310)
1710.91	am	(P-2721; A-10310)
1710.160	am	(P-2721; A-10310)
1710.170	n	(P-2721; A-10310)
1710.171	n	(P-2721; A-10310)
1710.172	n	P-2721; A-10310)

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